IN THE

District Court of the United States

FOR THE NORTHERN DISTRICT OF ILLINOIS,

EASTERN DIVISION.

UNITED STATES OF AMERICA,
vs.
ECONOMY LIGHT AND POWER COMPANY.

IN CHANCERY.

No. 29776.

ABSTRACT OF PROOFS.

JAMES H. WILKERSON,
United States Attorney,

BARTON CORNEAU,
Special Assistant United States Attorney,

MORTON S. CRESSY,
Special Assistant United States Attorney,

Counsel for the United States.

FRANK H. SCOTT,
Counsel for the Economy Light and Power Company.

1919
THE GUNTHORP-WARREN PRINTING CO.
CHICAGO

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IN THE

District Court of the United States

FOR THE NORTHERN DISTRICT OF ILLINOIS,

EASTERN DIVISION.

UNITED STATES OF AMERICA, *vs.* **ECONOMY LIGHT AND POWER COMPANY.**	**IN CHANCERY.** **No. 29776.**

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1 Abstract of proofs made before Neil Satterlee, Commissioner appointed by the Honorable C. C. Kohlsaat, Judge of said Court, on Wednesday, November 9, 1910, and on subsequent days.

Appearances:

Mr. James H. Wilkerson, United States Attorney.

Mr. Barton Corneau, Special Assistant United States Attorney, and

Mr. Morton S. Cressy, Special Assistant United States Attorney,

On behalf of the United States.

Mr. Frank H. Scott, on behalf of the Economy Light and Power Company.

2 CLARENCE W. ALVORD, a witness for complainant (United States), testified as follows:

I live in Urbana, Illinois. I am connected with the University of Illinois, my title being Associate Professor of History. I also have the position of special editor of publications of the the Illinois State Historical Library. The library is a

department of the state engaged in the study of Illinois history. It collects volumes on Illinois history and publishes from time to time in its collections documents illustrating the history of the state. I have edited and published several articles and volumes for the Illinois State Historical Library. The first was a bulletin entitled "Illinois in the Eighteenth Century." Since that time I have prepared Volume 2 of the Illinois Historical Collections, having a sub-title, "Virginia
3 Series, Volume 1, Cahokia Records." With Professor
Greene, my colleague at the University, I prepared Volume 4 of the Illinois Historical Collections, having the subtitle "Executive Series, Volume 1, Governor's Letter Books." And I also prepared myself Volume 5 of the Illinois Historical Collections with a sub-title, "Virginia Series Volume 2 Kaskaskia Records." For the Chicago Historical Society I published an essay called "The Old Kaskaskia Records," giving an account of the records which I discovered.

For the American Historical Association as adjunct member of the Public Archives Commission, I published a report on "The French Archives of Illinois"; and there is in the press today a report upon "The Archives in the State Capitol."

In the Michigan Historical Collections, Volume 36, I published an essay entitled "The Genesis of the Proclamation of 1763."

In the proceedings of the Wisconsin Historical Society for 1908 I published an essay continuing the previous one entitled "The British Ministry and the Treaty of Fort Stanwix."
4 For the Missouri State Historical Society I published an
essay entitled, "The Conquest of St. Joseph by the Spanish in 1780."

In the American Historical Review I published an essay with documents on "The Capture of Vincennes by George Rogers Clark, in 1788."

For the Club of Colonial Reprints, having its headquarters in Providence, Rhode Island, I published a pamphlet with introduction and notes, entitled "Invitation Serieuse aux Habitants des Illinois, par un Habitant."

In connection with the preparation of these different publications to which I have referred, and these different manuscripts and articles, my study of the various historical data and materials and sources of compilations that relate to the early exploration and settlement of the Illinois country has been very extended. That is part of my business as editor of the Illinois Historical Collections. It is the intention of the

trustees of that institution to publish in the course of time all available material, and it is my duty to inform them from time to time what material is available, and what it will be most feasible to publish, so I have been obliged to familiarize
5 myself with the history of the state and the material upon which that history is based. As professor of history in the University of Illinois I have for years given a course to advanced students upon the history of Illinois. As professor in the graduate school, all of my courses for the doctor's degree have been in western history, taking in, of course the history of Illinois in a larger view.

One of the young doctors who took his degree at the University of Illinois recentl ywrote his thesis upon the history of Illinois under Great Britain, which thesis won the Justin Winsor prize of the American Historical Association, probably the most important prize offered for young writers in history in America.

My present position as a specialist in Illinois history dates from early in the year 1905. In 1905 I was a general teacher in the department of history; part of my time was given to other fields, but since 1906 all of my attention has been
6 given to Illinois history and Western history.

I have made a special study of the early commerce of the Illinois country. Probably one of the most important contributions to the knowledge of the history of the west that I have made has been connected with the trade in the west. I have in my search for unprinted material found a mass of stuff, not only here in Illinois, but in Canada and in Boston and Albany and Philadelphia, bearing upon the trade of the Illinois country in its early period, particularly the fur trade, the trade with the Indians. That material I have partially published, but a very large mass of it is still unpublished; but the originals or copies of the originals are in my possession, and in the course of the next three or four years I will publish that which I have already found.

Q. As one who has made a special study of this branch of history, how would you determine the historical fact whether or not the Des Plaines river was ever used for the purpose of useful commerce?

Objected to as incompetent, irrelevant and immaterial. Question calls for a conclusion on matter to be determined by the court. It is a matter for the court to determine from competent evidence how the conclusion is to be arrived at.

Mr. Alvord (continuing): The question would be regarded as a historical problem, and several considerations would have to be examined by the historian. The earliest use of these western rivers was made by the fur traders, who bought from the Indians their furs. Therefore the first question the historian would have to ask himself would be, what was the situation of the Indians in the neighborhood of the river. The second point that he would have to consider would be the character of the fur trade; the third point the difficulties the traders encountered in carrying on that trade; the fourth point the history of the trade; and fifthly, there might enter into the problem the question of the determination of the trade as carried on on any particular river. With reference to the location of the Indians within a district that would contribute to the river trade, we must know the location of the Indians around Lake Michigan and extending as far south as the Ohio river, as far east as on the Wabash, and as far west as on the Mississippi. On the Wabash river we have the Miami federation, reaching as far south as the St. Joseph river, where we find the Pottawottomies. In central Illinois, extending southward to what is known as the American Bottoms, we have the federation of Illinois Indians. These are located as follows: The Peoria Indians occupied the lands about what is today Peoria. In the early period of exploration and trade, the tribe of Kaskaskia Indians of the Illinois federation extended their villages along the upper waters of the Illinois, sometimes having a village upon the Desplaines; but in the year 1700 they determined to move their villages from the Illinois river southward, and settled within the region of the lower Kaskaskia, near what is now old Kaskaskia. The other two tribes of this federation, the Cahokies, and Tamaroes, were on the American Bottom, about opposite where St. Louis
is today. With them was the remnant of a fifth tribe of
10 Illinois Indians, no longer at the time of the first explora-
tions a separate tribe, the Mitchigamies, a name that has been fixed on our maps for the lake and for the state. In central Illinois, McLain County and Champaign County, as this section is now known, we had the Kickapoo Indians. In the northwest corner of what is now the State of Illinois we had the Sauks and the Foxes, whose wigwams extended as far north as the Fox river, Wisconsin. In the region just west of Lake Michigan we have the Mascoutins, a small tribe and one that was divided because during most of the period under survey we shall find some Mascoutins on the Ohio river. These were

the principal Indian tribes that would trade their furs within the Illinois district. Occasional tribes from the outside, such as the Winnebagoes and the Siouxs, might be found in this region.

The fur trade has been always important; in Europe furs have been demanded for garments, and have been sold in London and Paris and other cities of Europe very generally. After the discovery of America the product of furs was one of
11 the most important that was obtained from North America. The example of the Hudson Bay Company is a good one, which was founded in 1670 and still exists as a company carrying on the fur trade.

As a rule fur traders were sent into the interior by the companies engaged in this commerce. The French were the first to do just this. The English were somewhat slower, preferring to force the Indians to come to them on the coast, but in the end they were obliged to adopt the French method. Traders generally went to posts in the interior to which the Indians came. The hunters of the furs were generally the Indians. They were natural born trappers, and scoured the streams of any given territory with great care in the pursuit of fur bearing animals.

The most important region where the fur bearing animals were found, was around the Great Lakes in the early history of the fur trade, at least. One of the principal fur bearing animals was the beaver, and one of the principal haunts of the beaver was around the lower part of Lake Michigan, particularly along the rivers that flow into Lake Michigan. Of course, there were other well known regions where the beaver was found.

There were other animals, also, such as the fox and mink and the lynx, that were sought by the Indian tribes. Further south the coarser skins were hunted for, buffalo and the deer, but these were bulkier and not so valuable, although the
12 trade in them was very large. The skins or peltry were generally prepared by the Indians and then sold in prepared state to the traders.

Q. Have you stated in a general way the principal facts with reference to the history of this trade?

A No.

Q Will you do that?

Objected to as incompetent, irrelevant and immaterial.

Agreed that the objection of incompetent, etc., go to the entire line of evidence.

Mr. Alvord (continuing): The history of the fur trade
13 falls into three main periods. First, beginning with the earliest discoveries of the Lake Region in the 17th century down to the year 1763, which closed the French and Indian war, by which treaty French lost her possessions in North America; the second period beginning with 1763 and lasting until the close of the War of 1812; and the third period from 1812 to the termination of the trade in this region about 1834.

Taking up the periods briefly, the French were the first to penetrate into the Illinois region. The first white man to walk on Illinois ground, as far as we know, was in the decade beginning with 1670. From that time on the fur trade became quite extensive throughout all this region. The French developed it under governmental control. They placed posts at strategic points throughout the western region, and governmental officers were in command of these posts, and had general oversight over the fur trade. From a very early period the French found that they had rivals coming from the English Colonies. The Colonists of Great Britain were rather slower than the French in making their way into the interior, because they did not command the direct water routes such as the French commanded. But they did finally find their way across the mountains and even into the region of Illinois at a very early period. Still, the French had distinctly the
14 advantage, and one of the principal causes of the wars in America between France and England, was the fact that France controlled the fur trade of the west. These wars were brought to a close in the year 1763 when France ceded to England Canada, and gave up all claim to the region east of the Mississippi. At the same time France ceded to Spain her territory west of the Mississippi. From this time on the English merchants held the strategic positions in the fur trade that the French had possessed.

Merchants of Virginia, Pennsylvaia and New York still continued to follow the old routes of trade, but we find British merchants coming into Canada and slowly getting into their own hands the fur trade of the lake region. So that in the end the fur trade of the Illinois district was carried to Quebec and Montreal. This situation continued even after the close of the Revolutionary War. The British for a time occupied Detroit and Mackinaw, and even after these posts were given up in 1796, the English fur trading company of the Northwest monopolized the fur trade of the whole lake region.

This situation was not changed until the War of 1812, when a new factor entered in. The American Fur Company was established; laws were passed by the United States driving foreign traders out of the territory and gradually the American Fur Company came into the control of the fur trade
15 of the lake region and of the region within the United States generally.

As a fur producing country the region around the Great Lakes, including northern Illinois, lasted until the close of the Black Hawk War, when the Indians of Illinois were driven across the Mississippi river, and immigration began. The conditions were therefore changed and the fur trade with-
16 in this region came to an end.

The difficulties of conducting the fur trade were very numerous. First of all there was a long journey from the sea coast into the interior, a journey of a thousand or two thousand miles and sometimes many more when the fur trade was extended to the far west. Along the line of this journey were situated Indian tribes sometimes hostile to the country represented by the fur trader. And even when the Indian tribes were not hostile the Indians were prone to attack the single trader or the single boat or canoe, simply for the hope of plunder in furs or merchandise which they could sell.

The route was even more difficult on account of the portages. There were two kinds of portages; one portage from one water system to another water system such as the portages from the great lakes to the head waters of those rivers flowing into the Mississippi. The second kind of portage was around falls and rapids. Some rivers were very difficult to travel, such as the Ottawa where there were about thirty portages around rapids and falls. Some traders had very great difficulty in a long land carriage. I have already spoken of this; the merchants in Philadelphia for instance carried their merchandise by pack animals and by wagons across the Alleghenies to the upper waters of the Ohio. This put them at a distinct disadvantage in competition with the merchants that pos-
17 sessed the water route.

I have made a close examination of the history of the fur trade and am familiar with the sources of information and with the history of the fur trade pretty generally. In my historical problem, or specifically in a problem of this nature, one would turn first to the primary sources. Primary sources are those sources of information that have come down to us from contemporary witnesses; witnesses that knew themselves from actual experience or knew the general repute of a fact. In a case of this kind the primary sources might be divided into three classes: (A) Narrative of the use of the river written by traders or others; (B) Statements by contemporaries from knowledge that the river was so generally used by traders and others; (C) Maps prepared by cartographers who had examined sources of information usually used in their science.

After examining the sources of information the historian would then examine the writings of other historians who had used the same material and had reached conclusions in regard to his problem; and if he found that they were in agreement with him he would conclude that he was correct.

18 As to whether there were any historical books and accounts of known and established character and accuracy among historians covering this subject of the history of the fur trade, I would say that the history of the fur trade has interested historians to a very general degree, and we have some very good histories of the fur trade. The best account and the one that has the reputation of being a work of character and accuracy is that of Frederick J. Turner, formerly of the University of Wisconsin, now of Harvard University. I name this first because Professor Turner in his work writes of the history of the Wisconsin fur trade which extended of course into the Illinois region and covers in a general way the history of the fur trade in this region also as well as Wisconsin. The book which is handed me is the historical work to which I have just referred. It is an essay called "The Character and Influence of the Indian Trade in Wisconsin. A Study of the Trading Post as an Institution. By Frederick J. Turner, Pr. D., Professor of History, University of Wisconsin. Published in the Johns Hopkins University studies in historical and political science. Ninth series. Eleven and
19 twelve." The book was published at Baltimore in 1891.

Professor Turner is unquestionably the most prominent historian of western America living today. That is his reputation among historians. He has been a pioneer in the investigation of western history, and he has been one of the first to point out that western history offered a field for scientific investigation, and for many years he was alone in studying that field. It is on account of his reputation as a historian of the west that he was called to Harvard, one of the best positions in the country. He was called to the University of Wisconsin in 1891. He just leaves this fall and goes to Harvard. 20 His position is a full professor of history in Harvard so that he goes there as the equal of Professor Channing, Professor Emerton and the older men of Harvard.

This work of Professor Turner to which I have just referred is regarded by historians generally as a work of known character and accuracy and is used by them as the best account that has ever been written of the fur trade in the lake regions.

I refer as bearing on the specific subject with reference to which I have testified, to pages 13 to 16, pages 19 to 22, and page 25 of this book.

Mr. Scott. I object to them as incompetent, immaterial and irrelevant; no proper foundation has been laid, and they are parts taken from the entire work which may be qualified by other parts to which no attention has been called; and 21 that they are not writings which are competent to be received in evidence. May that objection go to every passage that he reads, Mr. Wilkerson?

Mr. Wilkerson. Yes.

Professor Alvord. In this particular case the work deals with the fur trade in general, and of course the book is a discussion of the whole fur trade in the Wisconsin region; but these passages selected are sufficient to show the author's general conclusions in regard to the fur trade within the lake region.

The portions of said work referred to were read into the record as follows:

> "Indian Trade in the Middle Colonies.
>
> Morton, in the work already referred to, protested against allowing 'the Great Lake of the Erocoise' (Champlain) to the Dutch, saying that it is excellent for the fur trade, and that the Dutch have gained by beaver 20,000 pounds a year. Exaggerated though the statement is, it is true that the energies of the Dutch were devoted to this trade, rather than to agricultural settlement. As in 22 the case of New France the settlers dispersed themselves in the Indian trade; so general did this become that laws had to be passed to compel the raising of crops. New York City (New Amsterdam) was founded and for a time sustained by the fur trade. In their search for peltries the Dutch were drawn up the Hudson, up the Connecticut, and down the Delaware, where they had

Swedes for their rivals. By way of the Hudson the Dutch traders had access to Lake Champlain, and to the Mohawk, the headwaters of which connected through the lakes of western New York with Lake Ontario. This region, which was supplied by the trading post of Orange (Albany), was the seat of the Iroquois confederacy. The results of the trade upon Indian society became apparent in a short time in the most decisive way. Furnished with arms by the Dutch, the Iroquois turned upon the neighboring Indians, whom the French had at first refrained from supplying with guns. In 1649 they completely ruined the Hurons, a part of whom fled to the woods of Northern Wisconsin. In the years immediately following, the Neutral Nation and the Eries fell under their power; they overawed the New England Indians and the Southern tribes, and their hunting and war parties visited Illinois and drove Indians of those plains into Wisconsin. Thus by priority in securing fire arms, as well as by their remarkable civil organization, the Iroquois secured possession of the St. Lawrence and Lakes Ontario and Erie. The French had accepted the
23 alliance of the Algonquins and the Hurons, as the Dutch, and afterward the English, had that of the Iroquois; so these victories of the Iroquois cut the French off from the entrance to the Great Lakes by way of the upper St. Lawrence. As early as 1629 the Dutch trade was estimated at 50,000 guilders per annum, and the Delaware trade alone produced 10,000 skins yearly in 1663. The English succeeded to this trade, and under Governor Dongan they made particular efforts to extend their operations to the Northwest, using the Iroquois as middlemen. Although the French were in possession of the trade with the Algonquins of the Northwest, the English had an economic advantage in competing for this trade in the fact that Albany traders, whose situation enabled them to import their goods more easily than Montreal traders could, and who were burdened with fewer governmental restrictions, were able to pay fifty per cent. more for beaver and give better goods. French traders frequently received their supplies from Albany, a practice against which the English authorities legislated in 1720; and the *coureurs de bois* smuggled their furs to the same place. As early as 1666 Talon proposed that the King of France should pur-

chase New York, 'whereby he would have two entrances to Canada and by which he would give to the French all the peltries of the north, of which the English share the profit by the communication which they have with the Iroquois by Manhattan and Orange.' It is a char-
4 acteristic of the fur trade that it continually recedes from the original center, and so it happened that the English traders before long attempted to work their way into the Illinois country. The wars between the French and the English and Iroquois must be read in the light of this fact. At the outbreak of the last French and Indian war, however, it was rather Pennsylvania and Virginia traders who visited the Ohio valley. It is said that some three hundred of them came over the mountains yearly, following the Susquehanna and the Juniata and the headwaters of the Potomac to the tributaries of the Ohio, and visiting with their pack horses the Indian villages along the valley. The center of the English trade was Pickawillani on the Great Miami. In 1749 Celeron de Bienville, who had been sent out to vindicate French authority in the valley, reported that each village along the Ohio and its branches 'has one or more English traders, and each of these has hired men to carry his furs.' "

"Northwestern River Systems in their Relation to the Fur Trade:

The importance of physical conditions is nowhere more manifest than in the exploration of the Northwest, and we cannot properly appreciate Wisconsin's relation to the history of the time without first considering her situation as regards the lake and river systems of North America.

5 When the Breton sailors, steering their fishing smacks almost in the wake of Cabot, began to fish in the St. Lawrence gulf, and to traffic with the natives of the mainland for peltries, the problem of how the interior of North America was to be explored was solved. The water system composed of the St. Lawrence and the Great Lakes is the key to the continent. The early explorations in a wilderness must be by water-courses—they are nature's highways. The St. Lawrence leads to the Great Lakes. The headwaters of the tributaries of these lakes lie so near the headwaters of the rivers that join the Mississippi that canoes can be portaged

from the one to the other. The Mississippi affords passage to the Gulf of Mexico; or by the Missouri to the passes of the Rocky Mountains, where rise the headwaters of the Columbia, which brings the voyageur to the Pacific. But if the explorer follows Lake Superior to the present boundary line between Minnesota and Canada, and takes the chain of lakes and rivers extending from Pigeon river to Rainy lake and Lake of the Woods, he will be led to the Winnipeg river and to the lake of the same name. From this, by streams and portages, he may reach Hudson Bay; or he may go by way of Elk river and Lake Athabasca to Slave river and Slave lake, which will take him to Mackenzie river and to the Arctic sea. But Lake Winnipeg also receives the waters of the Saskatchewan river, from which one may pass to the highlands near the Pacific where rise the northern
26 branches of the Columbia. And from the lakes of Canada there are still other routes to the Oregon country. At a later day these two routes to the Columbia became an important factor in bringing British and Americans into conflict over that territory.

In these water systems Wisconsin was the link that joined the Great Lakes and the Mississippi; and along her northern shore the first explorers passed to the Pigeon river, or, as it was called later, the Grand Portage route, along the boundary line between Minnesota and Canada into the heart of Canada.

It was possible to reach the Mississippi from the Great Lakes by the following principal routes:

1. By the Miami (Maumee) river from the west end of Lake Erie to the Wabash, thence to the Ohio and the Mississippi.
2. By the St. Joseph's river to the Wabash, thence to the Ohio.
3. By the St. Joseph's river to the Kankakee, and thence to the Illinois and the Mississippi.
4. By the Chicago river to the Illinois.
5. By Green Bay, Fox river, and the Wisconsin river.
6. By the Bois Brule river to the St. Croix river.

Of these routes, the first two were not at first available, owing to the hostility of the Iroquois.

27 Of all the colonies that fell to the English, as we have seen, New York alone had a water system that favored

communication with the interior, tapping the St. Lawrence and opening a way to Lake Ontario. Prevented by the Iroquois friends of the Dutch and English from reaching the Northwest by way of the lower lakes, the French ascended the Ottawa, reached Lake Nipissing, and passed by way of Georgian Bay to the islands of Lake Huron. As late as the nineteenth century this was the common route of the fur trade for it was more certain for the birch canoes than the tempestuous route of the lakes. At the Huron islands two ways opened before their canoes. The straits of Michillimackinac permitted them to enter Lake Michigan and from this led the two routes to the Mississippi, one by way of Green Bay and the Fox and Wisconsin, and the other by way of the lake to the Chicago river. But if the trader chose to go from the Huron islands through Sault Ste. Marie into Lake Superior, the necessities of his frail craft required him to hug the shore, and the rumors of copper mines induced the first traders to take the south shore, and here the lakes of northern Wisconsin and Minnesota afford connecting links between the streams that seek Lake Superior and those that seek the Mississippi, a fact which made northern Wisconsin more important in this epoch than the southern portion of the state.

We are now able to see how the river courses of the northwest permitted a complete exploration of the country, and that in these courses Wisconsin held a commanding
8 manding situation. But these rivers not only permitted exploration; they also furnished a motive to exploration by the fact that their valleys teemed with fur-bearing animals. This is the main fact in connection with Northwestern exploration. The hope of a route to China was always influential, as was also the search for mines, but the practical inducements were the profitable trade with the Indians for beaver and buffaloes and the wild life that accompanied it. So powerful was the combined influence of these far-stretching rivers, and the 'hardy, adventurous, lawless, fascinating fur trade,' that the scanty population of Canada was irresistibly drawn from agricultural settlements into the interminable recesses of the continent; and herein is a leading explanation of the lack of permanent French influence in America."

"Periods of the Wisconsin Indian Trade. The Indian

trade was almost the sole interest in Wisconsin during the two centuries that elapsed from the visit of Nicolet in 1634 to about 1834 when lead-mining had superseded it in the southwest and land offices were opened at Green Bay and Mineral Point; when the port of Milwaukee received an influx of settlers to the lands made known by the so-called Black-Hawk war; and when Astor retired from the American Fur Company. These two centuries may be divided into three periods of the trade: 1. French, from 1634 to 1762; 2. English, from 1763
29 to 1816; 3. American, from 1816 to 1834."

30 Professor Alvord (continuing): Another extremely important work which contains an account of the history of the fur trade is the book I have in my hand, "The American Fur Trade of the Far West. A History of the Pioneer Trading Posts and Early Fur Companies of the Missouri Valley and the Rock Mountains and of the Overland Commerce with Santa Fe. By Hiram Martin Chittenden. In Three Volumes. Published in New York in 1902." This, as the title shows, is a history of the fur trade of the country west of the Mississippi river; but by way of introduction Captain Chittenden has introduced an account of the fur trade east of the Mississippi river and gives briefly one of the best descriptions of the trade in this region that we have. Captain Chittenden, the author of the work, is a Captain of the Corps of Engineers of the United States Army,
31 and has written before this "The Yellowstone." Captain Chittenden made a very careful examination, of the sources of the fur trade, going to the original sources, most of which are found in the unpublished form as yet. He had access to the papers of the American Fur Company and made a very careful examination of those that had a bearing upon the subject in hand.

Mr. Scott. In addition to the objection which goes to all this testimony I move to strike out the evidence of the witness as to the careful investigation made by Captain Chittenden, no foundation of knowledge on the part of the witness having been shown.

Professor Alvord. I say he made a careful examination because I have checked him up. In the first place, I know his conclusions, from my own investigations, are correct, secondly, the most important papers of the American Fur Company are in the possession of Pierre Chouteau of St. Louis,

who is a personal friend of mine, and Mr. Chouteau gave Captain Chittenden free access to all of these papers. Historians regard this book of Professor Chittenden as a work of known character and accuracy. There are several
32 pages in this book in which he discusses the character and history of the fur trade in general, that have a direct bearing upon the question in hand. They are pages 1 and 2, page 4, note 1 and page 5, and pages 6 and 7.

Whereupon the said pages were read into the record as follows:

Page 1:

> "Chapter 1. Character of the Business."
>
> "It is not an easy thing, at this period in American history, to appreciate how great a place in the affairs of former times the fur trade occupied. The
> 33 trade has not by any means become extinct, nor, perhaps, greatly diminished in volume, if at all, as one may readily see by examining the statistics of sales in the leading markets of the world today. It is only in a relative sense that it has become less important. While it has remained stationary, other lines of trade have expanded many fold, until now it is almost lost sight of in the vast current of the world's affairs. Yet it is not long since it was a leading branch of commerce in the western world, nor more than sixty years since it was almost the only business transacted in the immense territory west of the Mississippi.
>
> The fur trade of the Missouri Valley began early in the eighteenth century, but it did not assume large proportions until after the cession of Louisiana to the United States and the exploring expeditions of Lewis and Clark and Pike. Its career thereafter continued practically unchecked until the tide of Western emigration set in, about 1843. The true period of the trans-Missouri fur trade therefore embraces the thirty-seven years from 1807 to 1843.
>
> In this trade the city of St. Louis was the principal, if not the only, emporium. It is true that the headquarters of the American Fur Company and of some other fur-trading concerns were in New York, but even in these cases the actual base from which all operations in the Western country were carried on was the city at the mouth of the Missouri. All parties were organized

and all outfits were made up there. The returns of the
34 trade en route to market all passed that way. Most of the traders resided there, and all non-resident firms maintained houses there. Great establishments arose for the convenience of the trade, while the port of St. Louis became a center of commerce almost as widespread as that of New York itself.

In the earlier years communication with New York and other seaboard towns took place principally by way of the Ohio river or the Great Lakes. In the latter case the route was sometimes by way of the Illinois river to Lake Michigan, thence either by water or across the country to Detroit, thence to Black Rock near Buffalo, and thence overland to New York; at other times it was by way of the Mississippi, the Fox and Wisconsin rivers to Lake Michigan, and the rest of the way by the route just described. In later years, after the use of steamboats became general, commerce usually passed by way of New Orleans."

Page 4:

"It thus appears that, from whatever source the trader obtained his furs, he generally paid for them in merchandise carried into the country. This merchandise comprised such articles as were used in traffic with the Indians and for the equipments of trappers and hunters, the more necessary articles of food which could not be obtained from the country, and finally plenty of liquor and tobacco. To convey a clear idea of the variety of
35 articles in a trading equipment, as well as the prices at which they were rated in the mountains, an extract is given in the accompanying footnote from the bill of sale by which General William H. Ashley transferred his outfit to the firm of Smith, Jackson and Sublette near Great Salt Lake, July 18, 1826." * * *

Note, pp. 4 and 5:

"The invoice included 'gunpowder of the first and second quality at one dollar fifty per pound, lead one dollar per pound, shot one dollar twenty-five cents per pound, three point blankets at nine dollars each, green ditto at eleven dollars each, scarlet cloth at six dollars per yard, blue ditto common quality from four to five dollars per yard, butcher knives at seventy-five cents each, two and a half point blankets at seven dollars each,

North West fuzils at twenty-four dollars each, tin kettles different sizes at two dollars per pound, sheet iron kettles at two dollars twenty-five cents per pound, square axes at two dollars fifty cents each, beaver traps at nine dollars each, sugar at one dollar per pound, coffee at one dollar and twenty-five cents a pound, raisins at one dollar fifty cents per pound, grey cloth of common quality at five dollars per yard, flannel common quality at five dollars per yard, calicoes assorted at one dollar per yard, domestic cotton at one dollar twenty-five cents per yard, thread assorted at three dollars per pound, worsted binding at fifteen dollars per gross, finger rings
36 at five dollars per gross, beads assorted at two dollars fifty cents per pound, vermillion at three dollars per pound, files assorted at two dollars fifty cents per pound, fourth proof rum reduced at thirteen dollars fifty cents per gallon, bridles assorted at seven dollars each, spurs at two dollars per pair, horse shoes and nails at two dollars per pound, tin pans assorted at two dollars per pound, handkerchiefs assorted at one dollar fifty cents each, ribbons assorted at three dollars per bolt, buttons at five dollars per gross, looking glasses at fifty cents each, flints at fifty cents per dozen, mockasin awls at twenty-five cents per dozen, tobacco at one dollar twenty-five cents per pound, copper kettles at three dollars per pound, iron buckles assorted at two dollars fifty cents per pound, fire steels at two dollars per pound, dried fruit at one dollar and fifty cents per pound, washing soap at one dollar twenty-five cents per pound, shaving soap at two dollars per pound, first quality James river tobacco at one dollar seventy-five cents per pound, steel bracelets at one dollar fifty cents per pair, large brass wire at two dollars per pound.' "

Page 6:

"In the matter of profits and losses, as well as in that of volume of business, there are numerous early authorities. Nathaniel J. Wyeth, a close observer, though rather
37 too optimistic, has left on record an estimate of what a well-managed hunting expedition, in the best days of the fur trade, might reasonably be expected to accomplish. According to this estimate the cost of an invoice of merchandise at the Teton mountains, or in that vicinity, was about four hundred per cent. of its first cost in the eastern market. This increase was taken up by the expenses

of interest, insurance, wagons, provisions for food until the buffalo country was reached, horses and mules, pack and riding saddles, blankets, pack covers, halters, bridles, horse shoeing, and other expenses incidental to the transportation of the goods across the plains. If the furs were obtained through hired trappers, the wages were paid in goods at an advance of about six hundred per cent. upon their cost in the mountains. The wages of a hunter being counted at four hundred dollars per year and of common men who did the work of camp at two hundred, a party of twenty hunters and ten camp keepers, with their necessary horses (which 'cost about $4 in goods prime cost in Boston or New York') could be kept in the field for one year for not to exceed two thousand dollars. With average success each hunter would take one hundred and twenty beaver skins in this time, the value of which, in Boston or New York, was about one thousand dollars.
38 With due allowance for the cost of the return journey, the outlay of two thousand dollars would net in the neighborhood of fifteen thousand dollars. 'This, as you will perceive, will leave a large profit,' is the logical deduction by the author of this simple calculation. Of course such successful enterprises were of rare occurrence, for there were many sources of loss in these perilous expeditions, but there are nevertheless authenticated instances of very high profits. In 1827 the house of Bernard Pratte and Company joined with General Ashley in equipping an expedition for the mountains. The whole enterprise lasted only about six months and netted the company seventy per cent. profit on their investment."

39 PROFESSOR ALVORD (Continuing): In reference to the mentions made in Professor Turner's book to the State of Wisconsin and its relation to the fur trade, and in reference to the work of the Wisconsin Historical Society, I would say that the Wisconsin Historical Society was among the first historical societies in the middle west to be founded, and has been fortunate in having at its head men who have made national or international reputations in the field. The publications of the Wisconsin Historical Society have been better known than the publications of any other historical society in the middle west. In the same connection, the University of Wisconsin, which is closely associated with the Wisconsin Historical Society, was the first of the western universities to give time to the research in and the study of western his-

tory. The result is that the facts in regard to Wisconsin
40 are better known among historians than the facts in regard
to almost any other quarter of the western territory;
and certain events in Wisconsin history loom larger
than they should relatively speaking, because of the fact that
such eminent authors have treated of them. The economic
history of Wisconsin has been investigated much more completely
and by much more competent historians during the
last generation than the economic history of Illinois has been.
It is only within recent times that the history of Illinois has
been made the subject of research by scientifically trained
historians. This answer of mine applies to the period covering
the fur trade history about which I am testifying.

41 In regard to the method I would pursue in investigating
and determining the fundamental facts relating to
the fur trade as carried on in the Illinois territory, I would
say there are the narratives of the use of the Chicago and
Desplaines River as routes of travel by traders or others
which have been written by the men thus making the voyage;
secondly, statements by contemporaries who knew that this
water route was generally used by traders and others for the
purpose of commerce; and third, maps prepared by cartographers
who have investigated the subject and reached a
42 conclusion that this water route was so used; fourth,
statements by historians who have investigated these
three kinds of sources and have come to conclusions thereon.

Counsel for defendant moved to strike out the portion of foregoing answer which refers to persons and caltographers who knew this water was generally used by traders on the ground that it referred to matters which could not be within the knowledge of the witness. It assumes that the route was generally used and that there were persons who knew that fact and not responsive to question.

PROFESSOR ALVORD. I have made an investigation with reference
to the use of the Desplaines river in the fur trade,
3 and in making it have used the sources of information
to which I have just referred. I have used some of the
material that Professor Turner and Captain Chittenden used
in their works, but not all the material that they used, because
they have been writing of the fur trade in general
and also the fur trade territory that was not the same as
that territory which I was investigating. On the other hand,
I have used material that they have not used, for similar
reasons. I know this by comparison of the footnotes in their

works with the books that I have used. I have attempted to find every volume and every unprinted document with reference to the early use of the Desplaines river for commercial purposes that illustrated the history of the trade in northern Illinois. This historian is always obliged to examine
44 the credibility of the author who may have written the sort of material that he uses; and I have attempted in every case to make a careful investigation of the author to find out what the sources of his knowledge may have been and how far he was a reliable witness of fact.

I am a French student, and most of the work I have done in the way of publication has been with French documents. Two of my publications for the Illinois State Historical Library contain the transcript of original documents in French with the translation which I have made. So for all the reviews of my books in French have been favorable. I have an established reputation among students of historical research as being able to translate French into English accurately. In conducting this research I have examined several French manuscripts concerning the fur trade in general—a great many concerning the fur trade in general.

45 Taking up the historical references that I have found in this research which have a bearing upon the use of the Desplaines river for commercial purposes, the first reference is to the book entitled "Travels and Explorations of the Jesuit Missionaries in New France. 1610 to 1791. The original French, Latin and Italian texts with English translations and notes; illustrated by portraits, maps and fac-similes, Edited by Reuben Gold Thwaites, Secretary of the State Historical Society of Wisconsin. Volume 59. Published at Cleveland in 1900." This is one volume of a set of books known as the Jesuit Relations, and the documents therein found are translated from French into English under the direction of Doctor Thwaites. Dr. Thwaites is Secretary of the State Historical Society of Wisconsin, and shares with Professor Turner, of whom I have previously spoken, the reputation of being one of the most important historians versed in western American history. I know his standing among historians in this country to be just what I have stated.
46 He is the author of a great many works of high standing and also has edited a very large number of works. A few of the collections that are best known among historians are "Early Western Travels." The latter of the Wisconsin Historical Society have been edited by him. He has edited

Father Hennepin's narrative. He has written one of the volumes of the American Nation series under the general editorship of Professor Hart of Harvard. He is the author of the volume of the American History series which is generally used in our colleges as a text book for freshmen and sophomore classes known as "Colonial America." There are very few historians in America who have published as widely
as Dr. Thwaites. Dr. Thwaites has been for a number
47 of years now Secretary of the Wisconsin Historical So-
ciety, the general reputation of which I have already
mentioned. That society contains the best collection of manuscripts preserved in the archives west of the Allegheny Mountains. Doctor Thwaites although not responsible for the collection of all has been instrumental in adding very materially to the collection of the society since he became its secretary. He has put that collection in excellent order and made it accessible to students in a way that was not the case before he became secretary. In doing this he familiarized himself with the whole collection of the Wisconsin Historical Society, so that there are few men in America that are better versed in the printed and unprinted material of western American history than Dr. Thwaites. I refer to the portion of this volume 59 of Jesuit Relations containing the report of Father Marquette on the first voyage on the Mississippi made by a Frenchman. There is not only a translation but a reprint of the original report, and the transla-
tion of the Jesuit Relations contained such reports from
48 their missionaries. To explain in full as to how this
series of books was compiled, I would say the Jesuit
order was one of the first religious orders to extend its missions to America, and its missionaries may be counted among the bravest and most faithful of those that sought to convert the Indians to Christianity in the early days. It was a rule of the Jesuit Order that every Jesuit report yearly to his immediate superior. Thus the missionaries in America reported directly to their superior at Quebec. This superior extracted from these letters what he thought available, sometimes even taking the whole letter, and made a similar report of all the activities in his district to his superior in Paris. The Jesuits were very anxious that the public should know of the work that they were doing in America, and every year they took these reports and printed a volume in Paris. These were known as the Jesuit Relations and continued to appear regularly for a number of years. The volumes of the Jesuit

Relations are very scarce, and the individual volumes are quoted in our catalogues at very high prices. Doctor Thwaites therefore felt that there was call by historians for a new edition of these Jesuit Relations and he collected them and some other material bearing on the same subject and printed
49 them with translations in seventy-three volumes. This is regarded as one of the great monuments of western scholarship. These reprints of the Jesuit Relations are regarded as having a very high character and being accurate, and are used exactly in the same way as the originals. Marquette, the writer of this letter, accompanied the expedition which was in command of Louis Joliet that made the first discovery by Frenchmen of the Mississippi river. The expedition occurred in 1673. Unfortunately on the return of Louis Joliet lost the memorandum which he had kept, so that the best account we have of the journey comes from the priest that accompanied him, Father Marquette. Father Mar-
50 quette has enjoyed among contemporaries and by men who have since written about him, a most excellent reputation for religious zeal, capacity and accurate observation. Any statement of Marquette's in regard to a matter of fact of which he personally had knowledge would be regarded by historians as accurate and would be so used. The reason for their being so used by those who are engaged in the work of historical research is because of Marquette's character. The facts with reference to that are well known and well established. The letter to which I refer begins on page 87 of this volume and goes to page 163. The passage referred to here is found on pages 161 and 163.

Whereupon the said passage was read in evidence as follows:

> "After a month's navigation, while descending Mississippi from the 42nd to the 34th degree, and beyond,
> 51 and after preaching the Gospel as well as I could to the Nations that I met, we start on the 17th of July from the village of the Akensea to retrace our steps. We therefore reascended the Mississippi which gives us much trouble in breasting its currents. It is true that we leave it, at about the 38th degree, to enter another river, which greatly shortens our road, and takes us with but little effort to the lake of the Illinois.
>
> We have seen nothing like this river that we enter, as regards its fertility of soil, its prairies and woods; its cattle, elk, deer, wildcats, bustards, swans, ducks, parroquets, and even beaver. There are many small lakes

and rivers. That on which we sailed is wide deep and still, for 65 leagues. In the spring and during part of the summer there is only one portage of half a league. We found on it a village of Illinois called Kaskasia, consisting of 74 cabins. They received us very well, and obliged me to promise that I would return to instruct them. One of the chiefs of this nation, with his young men escorted us to the Lake of the Illinois, whence, at last, at the end of September, we reached the bay des Puantz, from which we had started at the beginning of June."

52 Professor Alvord (continuing): The Lake of the Illinois which is there mentioned is Lake Michigan. The name given very frequently by old voyagers was the lake of Illinois, because at one time the Illinois Indians lived upon it. It afterwards was given the name of one of the tribes of the Illinois Confederacy, the Michiganies, and the route referred to (objected to on the ground that the narrative speaks for itself) is to the use of the Desplaines and Chicago river, which was the water route that was followed by Marquette on a later voyage and by other Jesuits.

Motion to strike out answer as conclusion of witness.

The map to which my attention is called is found in Thwaites Jesuit Relations, Volume 59, opposite page 86.

53 Whereupon it was stipulated between counsel for the respective parties that in the preparation of the record in this case, exact photographic copies of any map or maps which may be offered, may be prepared by either party, and may be used with the same effect as the original document, and subject to the same objections.

(For copy of above Exhibit see Appendix, ...)

54 Whereupon the witness was asked to examine the map in question and asked to point out and translate the notations that appear upon the map, to show what the map purports to be and by whom made, which question was objected to as calling for a conclusion of the witness.

Professor Alvord (reading from the map): There is printed here in fac-simile a letter addressed as follows:

Whereupon there was read the following notation from the map:

"To Count de Frontenac, Counsel of the King in his General Council, and Lieutenant-General for His Majesty in Canada, Arcadie, etc. * * *

Sir: It is with great joy that I have to present to you this map which will make known to you the situation of the rivers and the lakes on which one navigates across Canada or North America, for more than twelve hundred leagues from east to west. * * *

55 Sir: Your very humble and very obedient servant and subject, Joliet."

Professor Alvord (continuing): Lake Michigan is called Lac des Illinois or Missihiganin (Michigan). The portage from the river in the southwest end of Lake Michigan to the river flowing into the Mississippi is shown and labeled. Below the river flowing into Lake Michigan is a mountain labeled "Mount Joliet." The Illinois river with its branch that leads to the portage is labeled "River Divine" or "Outreloizc."

The Mississippi river is called the "River de Buade," which is the name given to it by Joliet.

The Ohio river for a few hundred miles, at its mouth, is labeled "Ouaouba—" the rest is indecipherable, but evidently the Wabash.

56 Professor Alvord (continuing): The book which is now handed me is entitled, "Decouvertes et Establissements Des Francais, Dans L'Quest et Dans Le Sud, de L'Amerique Septentrionals (1614-1754) Memoires at Documents Originaux Recueillis et Publies, Par Pierre Margry, Membre de la Societe de l'Histoire de France, Membre correspondeat des Societes historiques de Massachusett de Pennsylvanie et de Buffalo. Premiere Partie (1614-1684)." This book is volume 1 of that series and it was published in Paris in 1875.

As to the standing of the author of this work among historians, I would say that the work was undertaken by Pierre Margry, who received assistance from the United States Government in its preparation. Margry was for a number of years archivist in the Department of the Marine at Paris. The Department of the Marine under the French Government was established by Colbert in the 17th Century, and under its control there has always been from that time a Colonial Administration. All reports from the Colonies find their way into the archives of the Marine at Paris, so that the custodian of those archives has access to the most valuable material in the early history of the French Colonial enterprises; and this is particularly the case with regard to
57 the French Colonial enterprises in America. Margry has collected in these volumes some om the most valuable

of the papers throwing light on French explorations in the Mississippi Valley, and the work is regarded by historians as a work of known character and accuracy, and the transcripts that he here publishes are used as the originals.

The portion of this work to which I have referred is a report made by Comte de Frontenac to Colbert, French Minister, and contains an account of the discovery of the Mississippi by the expedition commanded by Louis Joliet, and is based upon the narrative of Joliet himself. This was the expedition in which Father Marquette was a party. Comte de Frontenac was the Governor-General of Nouvelle France, or what we know now as Canada.

Q. Is there any further fact which you have in mind which would tend to throw light on the motive of the person making this report to make an accurate or inaccurate statement.

Objection, incompetent, irrelevant and immaterial.

8 A. Frontenac was one of the principal upholders of the French Colonial system in America. He was tremendously interested in the development of French Colonization; and because of the principles that he maintained in this regard he had been chosen by King Louis XIV as governor general of Nouvelle France. He had been particularly interested in western explorations, and saw the possibility of France acquiring for herself, through colonization, the most important and richest part of North America, if she would but occupy the Mississippi Valley. He was therefore particularly interested in routes of communication between the province of Nouvelle France, and the Mississippi river system.

This work to which I am now referring is in the original French and I have made a translation of the portion
9 to which I have just referred, which begins at page 257 and runs to page 270. The particular passage referred to is on page 267. There are not published generally accepted translations of Margry's work. I understand that Mr. C. M. Burton of Detroit intends to publish in the Michigan Pioneer and Historical Society's works a translation of this work. There are of course translations of portions. There may be a translation of the portion I am now referring to published in a generally accepted work but I do not know it.

Mr. Scott. The whole thing goes in under objection of course.

Mr. Wilkerson. Certainly. If there is any question about the translation, that becomes a matter of language rather than of history.

Mr. Scott. Yes, that can be checked up.

Whereupon said passage referred to as on page 267 was read as follows:

Margry, p. 267:

> "The fourth remark concerns a very great and considerable advantage and one which it will perhaps be
> 60 difficult to believe; it is that we should be able to go
> easily by ship to Florida, by means of a very good waterway. There would be only one canal to make and that by cutting through only one-half a league of prairie to enter from the lower part of the Lake of Illinois into the river St. Louis. This is the road which one would take.
>
> The ship would have to be made in Lake Erie, which is near Lake Ontario. It is easy to go from Lake Erie into Lake Huron, whence it would enter into the Lake Illinois, at the bottom of which the ditch would be made where the canal of which I have spoken would be necessary to have a passage into the river of St. Louis which empties into the Mississippi. In this way the bark would easily navigate to the Gulf of Mexico."

61 Lake Illinois as used here, is, as I have already stated,
Lake Michigan. He uses the river St. Louis as the river Illinois in this case. The early use among voyagers of names was somewhat uncertain until the names became fixed, and one has to be careful in examining a document of this sort to find exactly how the author is using the names. In this case he uses the river named St. Louis to designate the whole of the Illinois system. The difficulty is never so great but what a historian can find out the exact meaning, and after maps were made, particularly after the work of De Fer, De Lisle, and D'Anville, and the Englishman, John Mitchell, and the American, Louis Evans, the names of these western streams became so fixed that the difficulty in the nomenclature
that we find at first is completely overcome, and the men
62 used the names generally as we do today.

Referring to Volume 59 of the Jesuit Relations, already mentioned, to which my attention is now called, in order to preserve the chronological order, we find another passage which bears upon the subject under investigation. Father Marquette had been urged by the Illinois Indians to remain with them in order to preach there. He promised that he would return as soon as he could. In the year 1674 he set out to establish a mission on the middle Illinois river among the tribes of the Illinois Confederacy. It was the last missionary journey that he was to take, because on his return the next year he died. We have an account of the second journey and of the death of Father Marquette which is here published in the Jesuit Relations, Volmue 59, pages 185 to 211. The particular passage to which I refer is on page 187:

> "His prayer was answered, against all human probability; and, his health improving, he prepared himself to go to the village of the Illinois as soon as navigation should open,—which he did with much joy, setting out for that place on the 29th of March. He spent eleven days on the way, during which time he had occasion to suffer much, both from his own illness, from which he had not entirely recovered, and from the very severe and unfavorable weather."

63 Again referring to this same volume 59, Marquette kept a journal during this second journey to the Illinois river. This was addressed to his superior at Quebec, Father Dablon, and is printed in Volume 59 of the Jesuit Relations, beginning at page 165 and ending at 183. The passage referred to begins with the third paragraph on page 181, dated on the margin 31, and from a preceding page it shows that it is March 31st. It reads as follows:

59 Jesuit Relation, p. 181:

> "We started yesterday and traveled 3 leagues up the river without finding any portage. We hauled our goods probably about half an arpent. Beside this discharge, the river has another one by which we are to go down. The very high lands alone are not flooded. At the place where we are, the water has risen more than 12 feet. This is where we began our portage 18 months ago. Bustards and ducks pass continually; we contend ourselves with
>
> 7. The ice, which is still drifting down, keeps us here, as we do not know in what condition the lower part of the river is.
>
> As I do not yet know whether I shall remain next summer in the village, on account of my diarrhoea, we leave there part of our goods, those with which we can dispense, and especially a sack of corn. While a strong

south wind delays us, we hope to go to-morrow to the
64 place where the French are, at a distance of 15 leagues
from here.

Strong winds and the cold prevent us from proceeding. The two lakes over which we passed are full of bustards, geese, ducks, cranes, and other game unknown to us. The rapids are quite dangerous in some places. We have just met the surgeon, with a savage who was going up with a canoe load of furs; but, as the cold is too great for persons who are obliged to draw their canoes in the water, he has made a cache of his beaver skins, and returns to the village to-morrow with us. If the French procure robes in this country, they do not disrobe the savages, so great are the hardships that must be endured to obtain them."

64 The last paragraph which I have just read is rather obscure and possibly by referring to the original on the opposite page the translation might be changed somewhat. I would suggest the following translation which would bring out the meaning more clearly: "If the French obtain furs from this country they are not going to rob the country of them, so great are the fatigues in getting them from here."

65 On page 435 of Volume 1 of the work of Pierre Margry already referred to, is the following note:

"This memorial of events of the enterprises and exploration from the year 1678 is surely the official document that has been presented to the Ministre of the Marine in regard to the great result of 1682. But has this account been written by Cavelier de La Salle or only by an ecclesiastical man of learning by means of letters addressed by the discoverer to some one of his friends or his associates? It is not permitted us to decide this. We will express, however, the reasons of our doubt."

66 Cavelier de La Salle was one of the most noted of French explorers and fur traders. He came to America for the purpose of making his fortune and after a short residence at Montreal began his activities as explorer and fur trader. His earliest exploits are connected with the upper water of the Ohio and the great lake region, although we have
no very certain sources of information concerning these
67 earlier movements. But from the year 1679 onward we
have full records of La Salle's movements.

He obtained from the crown a patent to trade in the region south of the Great Lakes, and he immediately took

measures to exploit the fur trade in this region, and we have accounts of several of his journeys and official reports of his enterprises. La Salle was unfortunate in his first journey to Illinois and the planting of his first fort near Peoria because of the attack of the Iroquois. La Salle reached this region in January, 1680, and sent Father Hennepin down the Illinois river and up the Mississippi for further explorations. He himself returned to Fort Frontenac for further supplies, leaving Henry Tonty, his right hand man and famous lieutenant in charge of the company at Fort Creve Coeur. During La Salle's absence the Iroquois made an attack upon the Illinois because they (the Iroquois) thought that the Illinois were encroaching upon the fur trade that rightfully belonged to the Iroquois Indians. La Salle's enterprise was delayed because of this eruption of the Iroquois Indians. Tonty, after trying to negotiate with the hostile Indians, was forced to retire to Green Bay, and the Iroquois murdered a large number of men, women and children of the Illinois. Such was the situation when La Salle returned in the winter of 1680-1681. He found the country desolated and no
68 signs of Tonty, so that he immediately proceeded to seek for him on Lake Michigan. We have accounts of both the journey of Tonty and La Salle from the Illinois river up to Lake Michigan. As to the location of Fort Creve Coeur, the particular spot is a matter of dispute among antiquarians; it was situated not far from where Peoria is now located. Fort Frontenac is the present site of Kingston in Canada. The note to which I have just referred and read I should agree with, to wit, that this report was an official report concerning La Salle's enterprises, the exact author of which was not known.

Whereupon there was read in evidence a translation of a passage on page 512 of Vol. 1 of Margry, already referred to, as follows:

69 "A short time afterwards he arrived at the place where the river Teatiki, which flows from the country of the Miami and by which M. de La Salle had descended, receives the river Divine. He ascended by this river without leaving any sign of his passage. In this he made a great mistake which gave much trouble to him and to Monsieur de La Salle, as we shall see hereafter. He arrived in a few days at the lake of the Illinois, on which he embarked going from south to north along the western coast of this lake. He experienced incredible difficulties

in this navigation, since he, with all of his company,
70 was reduced to extremities for lack of provisions. At
length he arrived, however, among the Pottawatomies
where he was compelled to pass the winter."

Professor Alvord (continuing): The translation which I have just read was made by myself and is a correct translation. The passage itself as determined from the entire account refers to this facts: that after La Salle had reached the Illinois country in 1680 he found it necessary for him to return to Fort Frontenac. He left Tonty in command. The attack of the Iroquois Indians upon the Illinois Indians occurred during La Salle's absence. Tonty was obliged to save himself by fleeing to the northward, taking with him his companions. He returned by way of the Divine or Desplaines river and the Chicago portage to Green Bay. La Salle on his return from Fort Frontenac in the winter of 1680-81 searched for Tonty, and this passage is a statement by La Salle of the facts in the case.

71 The statement objected to on the ground of being a conclusion of the witness. Motion to strike it out.

The passage which I have just read refers to the use of the Desplaines river by Tonty; Volume 1 of Margry contains, beginning at page 573, an account by Henry de Tonty, written November 14, 1684, of the events that occurred in the Illinois country.

72 The passage I am about to read refers to the same passage of the water route of the Desplaines, Chicago river, referred to in the previous passage, only in this case written by Tonty instead of La Salle.

Same motion.

The passage is as follows:

"Seeing that nobody came, we set out with the design of making short days' marches, for we supposed that the priest had strayed and that we might find him on the bank of the water. And the next day at evening, when we heard the sound of a gun in the woods near us, we did not doubt that we were followed; that is the reason that we kept a sharp lookout; and having entered into a little river which led in our direction, I killed there a buffalo, and having loaded myself with meat, I carried it for half a league with great difficulty, since I had malaria. Renault, the best of my canoemen, wished to quit me in order to go by land. I gave him permission, but Father Zenoble compelled him to remain. We made our portage, and had enough bad luck to follow the north coast of the Lake of Illinois, for Monsieur de La Salle, who was coming to find me, was on the south coast."

73 This translation was made by me and is correct. I find that the passage refers to the Desplaines river, because the passage itself shows that he took the river pouring in from the north into the Kankakee.

Objected to on the ground that the passage itself shows what it contains, and cannot be added to by the testimony of the witness. Motion to strike out.

Referring to page 125 of volume 2 of this work by Margry, already referred to, there is an account by La Salle of Tonty's journey. I have translated a portion of it and the translation is correct. Said translation is as follows:

74 "During this time Monsieur de Tonty ascended the River Teatiki with much difficulty since he had no good canoemen, with the purpose, if I should be dead, of using what he carried of beaver skins to prepare the necessary things for the execution of my enterprise. The third or fourth day of their journey the Reverend Father Gabriel landed in order to pray to God (and) was killed by the Kickapoos with arrows without his companions noticing it. Monsieur de Tonty stopped until midday to await his return, and thinking that he was delaying too long he had a search made for him, but did not find him, and having waited the next day without success, he continued and followed the River Divine in order to go from there to the Pottawatomies."

75 From my investigation of these documents I would say that this passage refers to the same passage already referred to in the other passage from Margry, viz.: the passage by Tonty of the River Divine. From the description of the river that was used the Divine river is the Desplaines. The River Teatiki is the Kankakee.

Q. That use of the name Divine in referring to the river in question is a fact generally accepted by historians who have studied these documents, is it?

A. The use of the name Divine for the Desplaines
76 river in this passage is generally accepted by historians as meaning the Desplaines river.

Motion to strike out answer as not responsive to the question.

The next passage to which my attention is directed is in Volume 1 of Margry, page 523. This passage is taken from the same official account of the undertakings of La Salle in the years 1679 to 1681. It refers to La Salle's own use of a river route leading to Lake Michigan in pursuit of Tonty. I have translated the portion of that account which relates to this use of the river route, and the translation is correct. Said translation is as follows:

> "Finally he set out on the 28th with three canoes,
> 77 twenty minots of Indian corn and his equipage which he and his men dragged over the snow, although the whole weighed more than 4000 pounds, and he arrived the 6th of January the year 1681 at the juncture of the river Divine with that of the Teatiki. He decided to follow the first, because six leagues below he had found a cabin where he judged that Monsieur Tonty has passed, because, since he had not met him on the River Teatiki, he (Tonty) must have necessarily have followed the River Divine. The hope which he (La Salle) had of joining him (Tonty) made him resolve to leave in this place at a distance from the usual trail of the savages all his merchandise, in order that he might make greater speed. He hid them as well as he could and left there Monsieur D'Autray, who volunteered to guard them, together with the physician."

PROFESSOR ALVORD (continuing): The word Teatiki refers to the Kankakee river and "Divine" to the Desplaines. In the particular account in question that use of the word is generally accepted by historians. My statement is based upon an examination of the original documents. The account con-
78 tained in Volume 2 of Margry, to which my attention is now directed, at page 137, is taken from a letter of La Salle concerning his journey from the autumn of 1680 to the autumn of 1681 and that is the same letter from which we have already had one quotation. It refers to the same journey of La Salle that he made in following Tonty. I have translated a passage there which relates to the Divine river and my translation is correct.

Whereupon said passage was read into the record as follows:

2 Margry, 137:

> "We arrived the 6th of January at the confluence of the river Illinois with that which Joliet calls the Divine. I resolved to follow it, because six leagues below we had found a cabin where Monsieur de Tonty appeared to have

passed, so that I judged, since I had not met him on the River Teatiki, which I had descended, that he had necessarily ascended the Divine to pass from there into the Lake of the Illinois. In order to join him, I resolved to leave everything at a place on this river and to leave two
79 men there as a guard of everything we had, which I caused to be concealed. This merchandise was there removed from great peril, since this river was not the passage used either by the Illinois or the Iroquois nor by the other nations which were at that time at war. Monsieur d'Autray offered to remain as a guard of the merchandise which we had hidden. I left him there with the doctor and set out the next day with the others to ascend this river on foot. We could not travel on the ice, because the water of this river being very rapid, the ice was not strong enough, and the river winds in and out extraordinarily. Having traveled along the bank this day to see if we could not find cabins, we found one of them where we recognized by the sawed wood that Monsieur De Tonty had passed by there, and from several things we noticed that he must have passed almost ten months before."

In Volume 2 of Margry, page 79, to which my attention is now directed, I find a passage there which refers to this river. It is from a letter by La Salle concerning his discoveries. The letter is dated 1679 to September 29, 1680.

Mr. Scott. To whom is it?

A. The note by Margry on page 32 says, "The letter lacks commencement."

80 The letter shows no evidence as to whom it was written. I have translated the portion of that letter that refers to the river. The translation is a correct one.

Whereupon said translation was read into the record as follows:

2 Margry, 79:

"Furthermore, in spite of what has been said to us, now that I can conjecture about this river, since it would
80 not be navigable as far as the sea, this second ship that I had commenced in the Illinois country, would be always very necessary to carry by a river which I have found the products of the country of the Illinois to Fort Frontenac, since this river is much more easy of navigation than the route by which Joliet has passed, of which he has concealed the difficulties for reasons which I have not been able to conjecture.

There must needs be a difficulty also at the bottom of Lake Illinois where navigation stops at a place called Checagou, in order to unload there the goods brought in the ships and transfer them to canoes two leagues from there, where the same canoes alone can navigate, to a village of the Illinois Indians distant a space of forty leagues. This is contrary to what Joliet has said, namely, that there was only a quarter of a league of interruption of navigation."

The next passage I refer to is Volume 2 of Margry, page 165. I find there a passage which relates to the Desplaines river. This account is taken from leaves detached from a letter of La Salle, part of which, have been lost, and it contains an account of La Salle's venture and some discussion of water
routes. There is nothing to show the exact date of the
82 letter, but the preceding letter bears the date of the 11th
of August, 1681. I have translated the portion of the letter which I have referred to and the translation is correct.

Objection incompetent, irrelevant, immaterial.

Whereupon the said translation was read into the record as follows:

2 Margry, 165:

"Having made my cache, I set out the 28th of Decem-
82 ber and went on foot to where Monsieur de Tonty was
the 6th of January, the snows having stopped me some days at the portage of Chicago.

There is an isthmus which is at 41 degrees 50 minutes elevation from the pole on the west of the Lake of the Illinois, where one goes by a channel formed by the juncture of several small streams or gullies of the prairie. It is navigable about two leagues to the edge of this prairie at a quarter of a league distant towards the west. There is a little lake which is divided in two by a beaver dam, about a league and a half from which there runs a stream, which after having twined in and out about half a league across the rushes, falls in to the Chicago river, and from there into the river of the Illinois. When this lake is full, either from great rains in summer, or from the floods of the spring, it is discharged also into this channel which leads to the Lake of the Illinois, whose surface is seven feet lower than the prairie where is situated this lake. The River of Chicago does the same in the springtime when its channel is full. It discharges by this little lake

a part of its waters into the River of the Illinois, and at this time should one make a little canal of a quarter of a league, says Joliet, from the lake to the basin which leads
83 to the Illinois river ships could in the summer enter into the river and descend to the sea. That might perhaps happen in the springtime, but not in the summer, because there is not enough water in the river as far down as Fort St. Louis where the navigation of the Illinois river begins at this season and extends as far as the sea. It is true that there is still another difficulty which this ditch which one would make could not remedy. It is this: The lake of the Illinois always forms a sandbank at the entrance of the channel which leads to it. I doubt very much, in spite of what anyone says, whether this could be cleaned out or cleared away by the force of the current of the Chicago river when it was made to flow therein, since much greater currents in the same lake cannot do it. Moreover, the utility of a canal would not be very great, for I doubt when everything should succeed if a boat could overcome the great floods which the currents cause in the Chicago in the springtime. These are much heavier than those of the Rhone. Again, navigation would be for only a short time, at most for 15 or 20 days in the year, after which there is no longer any water. What confirms me still further in the thought that the Chicago river could not clean the mouth of the canal, is that when the lake is filled with ice, it blocks up the most navigable mouths at this time, and when ice is formed there is no
84 longer water in the Chicago river to hinder blocking this canal with sand. Also I would not have made mention of this way of communication, if Joliet had not proposed it without sufficiently examining the difficulties."

2 Margry, 168:

"The Chicago river is not even navigable for canoes, except after this flood. The waters are always drained in the month of March, so that it would be easier to transport by land the goods from Fort St. Louis to the lake, making use of horses which it is easy to procure there."

2 Margry, 174:

"All this course throughout all the country which we have traversed, and as this is the case from the source of the River Illinois, called by the savages, Teatiki, I will not repeat it. After having followed it about five leagues

across these prairies, it receives on the left as one descends another river almost as great, which is called the River Iroquois, and then continuing very rapidly for the space of twenty-five leagues along these same prairies, where it is increased by some less considerable streams, it receives on the right the River Chicago. This river comes from near Green Bay and is rather a torrent than a river, although it is more than 60 leagues long and does
85 not have any water most of the year. The village of the Maskoutens, called the nation of fire, is near it; they have retired there on account of their fear of the Iroquois. The distance from the confluence to the portage by which one goes to the Lake of the Illinois is about fifteen leagues, all prairie land along the borders of the river, which are at intervals covered with woods and surrounded by marshes. The Portage of Chicago is distant about eight leagues from the village of the Maskoutens, which lies to the northwest. In following the River Teatiki from the confluence of the Chicago, one finds for about nine leagues the most beautiful country in the world."

86 As a result of my study in the examination of these different documents I would say that the river referred to in the passage on page 79 of Margry as the river which he has found more easy of navigation is the Kankakee river, and the river to which he refers as the route by which Joliet had passed is the Desplaines river. Then I should say that most of these passages are rather obscure and difficult to translate, and it has been my endeavor to give the exact meaning as far as I could make it out. My answer is based upon an examination of the entire document and considered in relation of the particular passage to the whole contents.

As to the book to which my attention is now drawn, which is described on its back as 'Discovery and Exploration of the Mississippi," by Shea, Volume 4, I would say that John Gilmary Shea was a historian who devoted his attention particularly to the history of Roman Catholics in America. On account of his own religion he had opportunities to examine archives of the Roman Catholic bodies in Canada that
87 were not given to Protestant investigators. The result is that Shea has been able to publish much material on western history that is non-accessible in other forms. His reputation as a historian is a most excellent one, and his translations are regarded by historians as accurate.

In this particular volume he took up the question as to the discoverer of the Mississippi river. Up until that time there had been a great many candidates for the honor of the first discovery. Since Shea wrote this volume there has been no question among historians that Joliet and Marquette were the first French to make the voyage down the Mississippi. This particular account is the "Narrative of La Salle's Trip in 1682," by Father Membre, a Recollect Friar that accompanied him. The passage to which I refer is found on page 166.

Whereupon said passage was read into the record as follows:

Discovery and Exploration of the Mississippi, Shea, Vol. IV, p. 166:

> "On the 21st of December, I embarked with the sieur de Tonty and a part of our people on Lake Dauphin (Michigan), to go toward the Divine river, called by the Indians Checagou, in order to make necessary arrangements for our voyage. The sieur de la Salle joined us there with the rest of his troop on the 4th of January, 1682, and found that Tonty had had sleighs made to put
> 88 all on and carry it over the Chicago which was frozen; for though the winter in these parts is only two months long, it is notwithstanding very severe.
>
> We had to make a portage to enter the Illinois river, which we found also frozen; we made it on the 27th of the same month, and dragging our canoes, baggage, and provisions, about eighty leagues on the river Seignelay (Illinois), which runs into the river Colbert (Mississippi) we traversed the great Illinois town without finding anyone there, the Indians having gone to winter thirty leagues lower down on Lake Pimiteoui (Peoria), where Fort Crevecoeur stands."

Basing my answer upon my study and examination of these different historical authorities, I would say that the particular passage refers to the journey which La Salle made in 1682, wherein he made his famous voyage down the Mississippi to the Gulf, and took possession of the country watered by the Mississippi and its tributaries in the name of the King of France. The journey referred to was previous to this.

89 In regard to the book to which my attention is now directed, entitled, "A new Discovery of a Vast Country in America, by Father Louis Hennepin," by Thwaites, Volume 2, I would say that on the journey which La Salle made to the Illinois country in 1679 and 1680 he was accompanied by Father Hennepin. After building Fort Crevecoeur he sent an

expedition under command of a man named Accault down the Illinois and up the Mississippi for the purpose of exploration. This expedition was accompanied by Father Hennepin. The expedition reached the upper waters of the Mississippi above the Falls of St. Anthony, and after certain adventures with the Sioux Indians Father Hennepin returned to Canada via the Wisconsin and Fox rivers, and proceeded thence immediately to France where he published in 1683 a history of the discovery of a new country; the discovery of this vast western country north of the Ohio. That volume of Hennepin met with great popularity in France and was ready very eagerly. Afterwards Father Hennepin, not having received the cordial support of his brother friars and also not having found La Salle so ready to employ him as he wished, published new editions, particularly hoping to win the favor of the English government. He called the edition "Continuation of the New Discovery of a Vast Country in America," and dedicated
90 it to his Majesty, William III, King of Great Britain.

This is the third edition of Hennepin's work, and to this new work, because it is practically a new work, he added several other documents. For instance, an account on page 621 of several new discoveries in North America of which the editor Dr. Thwaites says, "This is a poor and inaccurate abridgement of an account given in a contemporary manuscript which is published in Margry's Volume 1, pages 262 to 270." On page 625 he has incorporated "an account of M. La Salle's voyage to the River Mississippi. Directed to Count Frontenac Governer of New-France."

The passage referred to is on page 626. This is a passage taken evidently from La Salle's narrative of which Father Hennepin had a copy and of which he has made free use.

Whereupon the passage in question was read into the record as follows:

2 Hennepin New Discovery, 626:

> "The creek through which we went from the Lake of the Illinois, into the Divine river, is so shallow, and so much exposed to the storms, that no ship can venture to get in, unless it be in a great calm. Neither is the country between the said creek and the Divine river, fit for a canal; for the meadows between them are drowned after any great rain, and so a canal will be immediately filled up
> 91 with sands; and besides, it is impossible to dig up the ground, because of the water, that country being nothing

but a morass; but supposing it were possible to cut the canal, it would be, however, useless; for the Divine river is not navigable for forty leagues together; that is, from that place to the village of the Illinois, except for canows, who have hardly water enough in summer time. Besides this difficulty, there is a fall near the village."

Q. Referring to the passage, what is the generally accepted fact among historians as to whether or not Hennepin ever used the Desplaines or Divine river for the trip which he made with La Salle by way of the Kankakee?

Same objection.

A. The only time that Father Hennepin passed from the Great Lakes into the waters flowing to the Mississippi river was with La Salle in his trip of 1679. At that time La Salle made use of the St. Joseph-Kankakee portage.

92 Concerning the statements in his first book, which was published in 1683, historians are inclined to accept it as they would similar kinds of explorations. The later editions
93 of his book are regarded largely as forgeries, and therefore containing geographical statements of fact that could not be accepted. It is a generally accepted fact among historians that this passage that I have last read into the record, in which there is a reference to the Divine river, is a passage which rests upon La Salle's statement, and not upon Hennepin's own. The title of the account is on page 625 and is as follows: "An Account of M. La Salle's Voyage to the River Mississippi. Directed to Count Frontenac, Governor of New-France." The facts upon which I base my statement that this passage was written by La Salle and that Hennepin was not with La Salle at the time he made his journey by way of the Divine river and of his own personal observation knew nothing about that river, are as follows: The title page of that volume is this: "A Continuation of the New Discovery of a Vast Country in America, Extending about Four Thousand Miles, Between New France and New Mexico; Giving an Account of the Attempt of the Sieur De la Salle upon the mines of St. Barbe, &C. The Taking of Quebec by the English;
94 with the Advantage of a Shorter Cut to China and Japan. By L. Hennepin, now Resident in Holland." "To which are added several new discoveries in North America, not published in the French Edition. London, 1698."

Hennepin's book ends on page 619. The additional matter added by the English editor I take to begin on page 621. On page 629 the statement is made:

> "M. La Salle has seen some Savages of three nations through which Ferdinand Sotto passed with his army,"

which must have been taken from an account by La Salle and not by Hennepin, as Father Hennepin was not with La Salle when he made his journey to the mouth of the Mississippi.

On page 630:

> "The nations through which we have passed received us very kindly, because of our Calumet of Peace, which is a safe conduct and a sufficient recommendation amongst the savages.
>
> The Illinois offered to accompany us to the sea, in hopes, as we told them, that we would supply them that way with European commodities; for the want of knives, axes, &C. makes them very officious."

On page 636 we have a new appendix added also to the volume, entitled "A Discovery of Some New Countries and Nations in the Northern America. By Father Marquette."

On page 668 we have an account of La Salle's tragic end, taken from other sources.

95 All of these matters added after the end of Hennepin's book seem to be appendices based upon other accounts than that of Hennepin's.

Q. With reference to the geography of Father Hennepin?

A. Father Hennepin has published a couple of maps which show that he was somewhat in doubt as to what the best route from Lake Michigan to the waters of the Mississippi was, or at least where it was situated.

Motion to strike out testimony of witness as to what maps show.

As a historian engaged in the work of endeavoring to ascertain accurately the facts and history, where you find a disagreement, if there is a disagreement in the accounts given by Joliet and Marquette on the one side, and La Salle on the other, it would be necessary first to find out what was the exact point of disagreement between the two parties named. Secondly, it would be necessary to discover if either of the two parties was prejudiced in any way. Thirdly, whether
96 either of the two parties had other objects in view that might prejudice his testimony.

I have examined this question under consideration for the purpose of determining the historical facts.

Q. And as a result of that examination, state the facts as to the precise point of disagreement between Marquette and Joliet on the one side and La Salle and Hennepin's account on the other?

Same objection; conclusion of witness; incompetent, irrelevant and immaterial.

A. The exact point of disagreement has to do with a deep waterway from the lakes to the gulf, Joliet claiming that it would be possible to dig a short canal by which ships could pass from the lake to the gulf; La Salle, on the other hand, claiming that the canal would have to be a long one if ships were to be used, because the navigation for ships would only begin, in his opinion, without great modification, at about the point where was situated his fort upon the Illinois river. There is no disagreement about the possibility of using, at times, the Chicago Desplaines river route for commerce in smaller boats and canoes, as he says.

97 Q. What are the facts with reference to any ground of prejudice on the part of any of the writers?

Same objection.

A. The facts with reference to grounds of prejudice on the part of these writers are, that Joliet was one of the traders that was closely connected with the Jesuits.
98 The Jesuits, and those traders friendly to them, had a practical monopoly of the fur trade of the lake region. La Salle in this early youth had a prejudice against the Jesuits. There is some good evidence to believe that at one time he began his education with the Jesuits with the idea of becoming a member of their order. At any rate when he arrived in Canada he was an opponent of the Jesuits; and from that very fact it is possible that he might be prejudiced against any claim that they might make. In the same way Joliet might be prejudiced in favor of the water route which he himself had discovered. The facts would show a purpose other than that which was apparent in the mind of either one of these writers are as follows: La Salle through his discoveries had come to the conclusion that the great avenue of trade for the middle country was to be the Mississippi river, and his patent gave him the privilege of trading in the Illinois country and that region, and it was his purpose to found

posts along the river and carry his goods down the river to the mouth of the Mississippi and across from the Gulf of Mexico to Europe. He, therefore, was not interested in having a deep waterway established by which means the fur trade would be turned northward and to the St. Lawrence. This may have been a ground of prejudice.

Q. What is the fact with reference to the portion of the fur trade which La Salle was authorized to carry on?

Objected to because the patent itself is accessible and speaks for itself.

I am familiar with the history as to that matter. La
99 Salle was forbidden by his patent to trade in the region that was already occupied by Canadian traders, and from which furs were now regularly carried to Montreal and Quebec. This region was in general the lake region and northward.

The Jesuits did not have any rights in the fur trade. There were two parties in Canadian politics; one was the Jesuit party with a very large following among the merchants who were engaged in this great lake trade.

Now, here comes La Salle with some following and backed up by the Count de Frontenac who desired to open up a new region for the fur trade, namely, south of the Great Lakes, the product of which he expected to carry down the Mississippi.

Thereupon there was introduced in evidence the map as first published by Father Hennepin in 1683, which is found
100 in the Description De La Louisiana, which was published at Paris in 1688, and another map published in the French edition of the Nouvelle De Couverte of which the edition published by Thwaites is the English translation, and to which there is a reference made in the title page.

(For copy of above Exhibit see Appendix, ...)

This latter map is by Hennepin and is dedicated to William III, King of Great Britain. The map carries no date but it is published in this volume. You will notice that in the earliest maps he places the portage of which he knows about on the east side of Lake Michigan, supposedly representing the Kankakee river. In this latter map he places it in an entirely different position.

As to why I regard the account just referred to of Hennepin as being written by La Salle rather than by Hennepin: It is because the English edition of this volume which is reprinted by Doctor Thwaites is entitled "A New Discovery

of a Vast Country in America," etc., as I have read, by Louis Hennepin, "to which are added, several new discoveries
101 in North America, not published in the French edition."
The French edition was published in 1697 and does not contain these appendices to which I have drawn attention.

In a case where there is a disagreement of this sort, it is necessary to seek for further evidence before deciding between the two parties in controversy. If it was discovered that the river in question was navigated regularly by traders after the time of the dispute it would make it possible to decide between the two men in regard to the point in dispute. I have pursued this investigation for the purpose of determining the historical fact as to any future use of the river. I have found historical authorities which throw light on
102 that subject. The first one to which I refer is the volume in my hand, "Joutel's Journal of La Salle's Last Voyage, 1684-7. New Edition With Historical And Biographical Introduction, Annotations And Index by Henry Reed Stiles, A M., M. D. Albany, 1906."

This is an edition in translation of Joutel's Journal of the voyage of M. La Salle. La Salle proceeded to put into execution his idea of making the Mississippi the channel of trade and obtained from the King of France a fleet with which he sailed for the mouth of the Mississippi river. On account of the ignorance of the exact location of that river the fleet reached the coast of what is now Texas, and on account of disputes between LaSalle and the admiral, the party was there left and LaSalle with his party attempted to make their way to the Mississippi by land. They experienced great hardships and finally LaSalle was murdered by his followers. Joutel became the leader of the party then and with them made his way to the Mississippi and up the Mississippi to the Illinois river where he was received by Tonty; and from there he proceeded to Canada. This is a publication in translation, as I said, of that journal kept by Joutel, and is regarded as an accurate translation and one of known character.

103 I find on page 196 of this book a passage which throws light on the question of the use of this route.

Whereupon the said passage was read into the record as follows:

(Joutel's Journal, Stiles Edition, p. 196):

"We continued after this Manner, till the Month of December, when two Men arrived, from Montreal. They came to give Notice to Monsr. Tonty, that three Canoes, laden with Merchandise, Powder, Ball and other Things, were arriv'd at Chicagou, that there being two little water in the River, and what there was being frozen, they could come down no lower; so that it being requisite to send Men to fetch those Things, Monsr. Tonty desir'd the Chief of the Chahouanous to furnish him with People. That Chief accordingly provided forty, as well Men as Women, who set out with some French Men. The Honesty of the Chahouanous was the Reason of preferring them before the Islinois, who are naturally Knaves.

104 That Ammunition and the Merchandize were soon brought, and very seasonably, the Fort being then in Want. We stay'd there till the End of February, 1688, at which Time we fix'd our Resolution to depart, tho' we had no News from Canada, as we expected. We found there were some Canoes ready to undertake that Voyage, and we laid hold of that Opportunity to convoy each other to the Micilimaquinay, where we hop'd to met some News from Canada.

Monsieur Cavelier the Priest, had taken Care, before the Death of M. de la Sale, his Brother, to get of him a Letter of Credit, to receive either a Sum of Money or Furs in the Country of the Islinois. He tender'd that Letter to M. Tonty, who believing M. de la Sale was still alive, made no Difficulty of giving him to the value of about 4000 Livres in Furs, Castors, and Otter Skins, a Canoe and other Effects, for which, the said Monsr. Cavelier gave him his Note, and we prepar'd for our Journey.

I have before observed, that there was a Jesuit, whose name was Dalouez at Fort Lewis, and who had been very much surpriz'd to hear that Monsr. de la Sale was to come in a short Time, being under great Apprehensions on Account of a Conspiracy intended to have been carry'd on, against Monsr. de la Sale's Interest. That Father perceiving our Departure was fix'd, mov'd first, and went away foremost, to return to Miciliamquinay; so that they were left without a Priest at Fort Lewis, which was a great Trouble to us, because we were the Occasion of it, and therefore those, who were to remain in the Fort, anticipated the Time, and made their Easter, taking advantage of the Presence of F. Anastasius and M. Cavalier.

At length, we set out on the 21st of March, from Fort
105 Lewis. The Sieur Boisrondet, who was desirous to return to France, join'd us, we imbark'd on the River, which

> was then become navigable, and before we had advanc'd five Leagues, met with a rapid Stream, which oblig'd us to go Ashore, and then again into the Water, to drawn along our Canoe. I had the Misfortune to hurt one of my Feet against a Rock that lay under Water, which troubled me very much for a long time; and we being under a Necessity of going often into the Water, I suffer'd extremely, and more than I had done since our Departure from the Gulph of Mexico.
>
> We arrived at Chicagou the 29th of March, and our first Care was to go seek what we had conceal'd at our former Voyage, having, as was there said, bury'd our Luggage and Provisions. We found it had been open'd, and some Furs and Linen taken away, almost all which belond'd to me. This had been done by a French Man, whom M. Tonty had sent from the Fort, during the Winter Season, to know whether there were any Canoes at Chicagou, and whom he had directed to see whether any Body had medled with what we had conceal'd, and he made Use of that Advice to rob us."

106 The next book which is called to my attention is the 3rd volume of Margry, which contains the relation of Joutel, beginning at page 91. The particular passage which relates to the Desplaines river is found on page 485. I have made a correct translation of that passage.

Whereupon the said translation was introduced into the record, as follows:

> "We continued to travel until Thursday the 25th (March, 1687) when we arrived at the place called Chicagou, which according to what we were told, took its name from the quantity of garlic which grows in the woods in that region. There is there a little river which is formed of the waters that drain from a great prairie
> 107 or field at this place, and which takes its course towards the lake named, as I have said elsewhere, Illinois or Michigan. About three or four leagues away on the other side of the great prairie, the waters discharge into the Illinois river and form that. It seems that this place must be the highest between the Gulf of Mexico and St. Lawrence river, since the waters flow from that place in one and the other direction, so that the higher they are the less distance must be portaged, for in navigation of this kind, the canoe or boat must be carried, as

well as the clothing; there is no way of escaping that task."

107 The sentence "We continued to travel until Thursday" refers to Joutel and Abbe Cavelier, a brother of La Salle, on their return from the expedition to the mouth of the Mississippi. As I have said before, La Salle was murdered after the party had landed on the coast of what is now Texas; and Joutel, with a brother of La Salle, Abbe Cavelier, made their way up the Mississippi to Illinois and it is the account of the continuation of that journey.

The next book to which my attention is directed is entitled, "Collections and Researches Made by the Michigan Pioneer and Historical Society, Volume XXXIII, Lansing, Michi-
108 gan, 1904." This volume contains what is known as the Cadillac Papers. Cadillac was for some time the French Governor or French Commandant of Detroit, and was the founder of that post, in fact. His papers have been printed by the Michigan Pioneer and Historical Society in translation. The transcripts were made in Paris at the expense of Mr. C. M. Burton, a well known historian of the west, and under his general oversight these translations were made, which are regarded by historians as of character and accuracy. The particular report I refer to begins on page 72, signed Champigny, Quebec, October 13, 1697. Champigny was an intendant of Nouvelle France, and is writing to his Majesty, Louis XIV of France. In a general way the nature of this report is a report concerning Tonty and de la
109 Forest, who were the successors of La Salle in the Illinois country, and who were carrying on trade there. Champigny writes concerning their enterprises. The particular passage is on page 75.

Whereupon said passage was read into the record as follows:

33 Mich. Pioneer & Hist. Col., p. 75:

> "Paragraph 25. His Majesty has permitted the Sieurs de Tonty and de la Forest to keep Fort St. Louis of the Illinois on condition that they do not trade in beaver-skins there.
>
> I can assure you my Lord, with absolute certainty, that they will not stay there, and in fact cannot stay there, except to trade in them; otherwise it will involve them in an expense which they will be unable to bear. Hence it must be expected and taken as beyond

doubt that, if they are allowed to go and remain there with Frenchmen, they alone will carry on the trade with the savages in the distant countries with immense profits. It is also well to inform you, my Lord, that they have now a warehouse at Chicagou in the country of the Miamis and another at Missillimackinac, and that they have sent boats to other places, two of which have been rifled by the Illinois savages when they wished to take them 110 to the savages called Scioux who are the enemies of the others. And to show you in what hand and under whose command all the distant countries are, it is right to inform you that the Sr. de la Forest is in command at Missillimackinac; the Sr. de Tonty, owner with him of Fort St. Louis of the Illinois, has gone to the country of the Assinibouelles savages which is a very distant tribe to the north, where there are beavers in abundance; the Sr. de Tonty, half pay captain, his brother, is the one who left Montreal unknown to me at the beginning of September, to go and take command in the place of the Sr. de la Forest at Missillimackinac; and the Sr. de Liette, a subordinate officer of the troops, cousion of the Sieurs de Tonty, commands at the post of Chicagou, in the country of the Miamis. All have but one and the same mind and but one interest, tending solely to trading."

Q. Point out the Historical connection between the passage just read and the statements already introduced made by La Salle with reference to this route?

Same objection.

A. From the statements that have been read into the record it is evident that those men that were closely associated with La Salle continued to make use of the Desplaines and the Chicago river route. Joutel and Cavelier on their return from the expedition to the south where La Salle lost his life, returned by this route. The successors of La Salle in the region of the Illinois country, Tonty and de La Forest, were exploiting the fur trade, and for that purpose placed a 111 post at Chicago in order to command the water route from that region to the Illinois river.

Speaking from the standpoint of the historian, as to whether or not these passages have any bearings upon the solution of the controversy between La Salle and Joliet, they would show that the river route in dispute was capable of being used by traders and was used by La Salle's successors and associates.

The next historical author to which I refer is a volume by John G. Shea, whose work I have already characterized. It is entitled, "Early Voyages Up and Down the Mississippi, by Cavelier, St. Cosme, Le Sueur, Gravier, and Guignas. With an Introduction, Notes and an Index." These are published in translation and these translations are regarded as of known character and accuracy.

St. Cosme was a member of the society known as the Semi-
nary of Foreign Missions. The Seminary of Foreign
112 Missions was established a short time before this was
written, in Paris, and a branch was located in Quebec,
and the priests were very active in their missionary zeal. They became rivals of the Jesuits. In 1698 St. Cosme, with others, was sent by the Seminary of Foreign Missions into the west to establish mission posts. They went through the lakes and down into the Illinois river, going as far as Arkansas, and then St. Cosme returned and established in 1699 a mission at Cahokia. That document, which is published by Mr. Shea in translation is a letter to the Bishop of Quebec by St. Cosme, containing an account of the journey that he had made from Quebec to their missionary field.

The passage in which the writer gives the account of passing through the water route leading from Lake Michigan into the Illinois river begins at page 54. In regard to the passage on page 51 to which my attention has been directed, Mr. Shea says in a note in regard to it:

Shea's Early Voyages, p. 51:

"I do not find this name of Kipikawi or Kipikuskwi
113 elsewhere. The river is evidently that emptying into the
Lake at Racine, and this route was up the Root river and then by a portage across to the Fox, or Pishtaka (Bestikwi) river, which they descended to the Illinois. The names in this memoir have suffered greatly in transcription, and the copyist seems to have been especially bothered by the 8, which he replaces by vv or w, and sometimes by r and k. As a vowel it corresponds to the English oo (French ou) as a consonant to w.

Joutel on his map gives the name of Petescouy to this river, and Charlevoix (Hist. de la Nouvelle France, Vol. III, p. 380) mentions it as the Pisticoui; it is now called the Fox or Pishtaka or Pistakee, and a lake on its course is also called Pistakee."

The account of the use of the Desplaines river, above referred to, is as follows (p. 50):

> "Some Indians had led us to suppose that we might ascend by this river, and that after making a portage of about nine leagues, we could descend by another river called Pistrui, which empties into the river of the Illinois about twenty-five or thirty leagues from Chikagu. We avoided this river, which is about twenty leagues in length up to the portage. It passes through quite pleas-
> 114 at prairies, but as there was no water in it, we judged sagely too that there would not be in the Bestikwi, and that instead of shortening our way, we should have had to make nearly forty leagues of the way as a portage. This obliged us to take the route of Chicagu, which is about twenty-five leagues from it. We remained five days at Kipikuskwi."

P. 54:

> "On the 24th of October, the wind having fallen, we made our canoes come with all our baggage, and perceiving that the waters were extremely low we made a cache on the shore and took only what was absolutely necessary for our voyage, reserving till spring to send for the rest, and we left in charge of it Brother Alexander, who consented to remain there with Father Pinet's man, and we started from Chicaqw on the 29th and put up for the night about two leagues off, in the little river which is then lost in the prairies. The next day we began the portage, which is about three leagues long when the water is low, and only a quarter of a league in the spring, for you embark on a little lake that empties into a branch of the River of the Illinois, and when the waters are low you have to make a portage to that branch. We made half our portage that day, and we should have made some progress further, when we perceived that a little boy whom we had received from Mr. de Muys, having started
> 115 on alone, although he had been told to wait, had got lost without any one paying attention to it, all hands being engaged. We were obliged to stop and look for him. All set out, we fired several guns, but could not find him. It was a very unfortunate mishap, we were pressed by the season and the waters being very low, we saw well that being obliged to carry our effects and our canoe it would take us a great while to reach the Illinois. This made us

part company, Mr. de Montigny, de Tonty and Davion, continued the portage next day, and I with four other men returned to look for this little boy, and on my way back I met Fathers Pinet and Buinateau, who were going with two Frenchmen and one Indian to the Illinois. * * *

I set out the second of November in the afternoon, made the portage, and slept at the River of the Illinois; we went down the river to an island. During the night we were surprised to see an inch of snow and the next day the river frozen in several places, yet we had to break the ice and drag the canoe, because there was no water; this forced us to leave our canoe and go in search of Mr. de Montigny, whom we overtook next day, the 5th of the month, at Stag Island (Isle aux Cerfs). They had already made two leagues portage, and there were still four to make to Monjolly, which we made in three days and arrived on the 8th of the month. From Isle a la Cache to Monjolly is the space of seven leagues. You must always make a portage, there being no water in the river except in the spring. All along this river is very agreeable. * * *

116 On leaving Monjolly we made about two leagues to another little portage of about a quarter of a league. As one of our men, named Charbonneau, had killed several turkeys and geese in the morning and a deer, we did well to give somewhat of a treat to our people and let them rest for a day.

On the 10th we made the little portage and found half a league of water, and then two men towed the canoe for a league; the rest marched on land, each with his pack, and we embarked for the space of a league and a half and stopped for the night at a little portage, five or six arpens off.

On the 11th, after making the little portage, we came to the River Taalike, which is the real River of the Illinois; that which we had descended being only a branch.

* * *

From Chicagvv to the Fort they reckon thirty leagues. Here navigation begins, which continues uninterrupted to the Fort of the Permavevvi, where the Indians are now. We arrived there on the 19th of November."

117 Referring to page 101 of Volume 65 of the Jesuit Relations and allied documents, being one of the series of books concerning the preparation of which I have already

testified, I find an extract which refers to this river route. This is the "relation or journal of the voyage of Father Gravier, of the Society of Jesus, in 1700, from the country of the Illinois to the mouth of the Mississippi river. Written to Father de Lamberville and sent from Fort Mississippi, 17 leagues from its discharge into the Mexican Gulf or sea, on the 16th of February, 1701." Father Gravier, as the record shows, was a Jesuit, and one of the successors of Father Marquette in the Illinois mission. This particular relation is a very famous one in Illinois history because it was on this journey to Father Gravier that he found the Kaskaskia Indians on the point of moving south at the solicitation of the commander of the French at the mouth of the Mississippi river, because La Salle's proposed colony had already been founded and those that were pushing it were in the hopes of moving the Indians to that region for the assistance of the fur trade and also for the protection of French posts. The beginning of the letter reads as follows:

> "My Reverend Father,
> Pax Christi.
>
> 118 I received on my return from Michilimachinack the letter that you did me the honor of writing to me by way of the Mississippy, addressed to Father Aveneau, who sent it to me at Chikagoua—whence I started in 1700, on the 8th of September, to come here."

Taken in connection with all of the context this indicates that Father Gravier used the Chicago Desplaines river route in going to the mission as the Jesuits were accustomed to do.

Motion to strike out the answer as conclusion of witness as to what the Jesuits were accustomed to do and what Father Gravier did, and further as having no basis in the relation from which he has read.

The map which is now shown me has no date upon it. It does not indicate upon its face the date, or the name of the person who has made it, but from a general knowledge of maps of this time, it must have been made about the year 1700. The portages are designated upon it, and I might 119 add that it is evidently from an atlas, as it is labeled Volume 6, No. 21.

(For copy of above Exhibit see Appendix, ...)

Q. Does it show the Chicago-Desplaines route upon it? If so, how?

A. There is a portage labeled here which indicates the portage of what they called the portage from Chicago to the Illinois river.

Motion to strike out answer as not responsive to the question; previous question further objected to
120 on the ground that the map speaks for itself.

PROFESSOR ALVORD (continuing): The map is entitled "Carte Particuliere du Fleuve Saint Louis."

The author of the map which is now shown me, which is labeled "Le Canada ou Nouvelle France * * * ner de Fer," is M. de Fer. He was a French Geographer and one of the early geographers to work out the details of Western America. He was one of the best of the cartographers of his age. The map is dated 1705.

Q. What has he shown on that map in reference to the western territory of the United States?

Same objection.

A. The map shows Lake Michigan and the Illinois
121 river, and it shows a portage between the river and the lake. It shows several portages that existed from the great lakes to the various rivers which lead into the Saint Lawrence.

The book which is now shown me is Volume 16 of the Collections of the State Historical Society of Wisconsin. The last few volumes of this collection, among which this is, were edited by Doctor Reuben G. Thaites, and he has included in them documents relating to the history of Wisconsin and the west in general, and where the documents were in French, he has made a very careful translation which is regarded as authoritative and accurate. Volume 16 is a collection of various documents illustrating the French regime in Wisconsin. The document begins on page 327 and is entitled "Military Preparations Against Foxes. Traders and Voyagers. Their Lawlessness. Restrictions on Trade. English Seek to
122 Control Fur Trade. French Should Establish New Posts. (Letter of Ramezay and Begon to French Minister; dated Nov. 7, 1715. Ms. in archives of Ministere des Colonies, Paris; press-mark, 'Canada, Corresp. gen., Vol. 35, c. 11, fol. 15.')"

Ramezay was commandant at Montreal at this time and Begon was the intendant of Nouvelle France. The French administration of a province, whether in France or in America was in the hands of the governor-general and of the intendant of the police, justice, and finance. The authority of these two officers was very great and the line between their functions was not sharply drawn. That was the principle of the French government, to have two officers of almost equal authority residing within the province so that they would watch each other. The intendant, therefore, was what might be called the chief justice, civil governor and chief of police of the Province of Nouvelle France. Begon is one of the well known intendants of that colony.

The nature of this document which I now refer to is a general description of the west, and the necessity of military preparations against Indians and against the English who are
just beginning to come into the western country for the
123 purpose of trade. It has particular advice to the French
minister, to-wit, a series of forts should be made in order to protect the country against Indians and against the English. It has in mind the protection of the fur trade. The passage begins on page 331.

Whereupon the said passage was read into the record as follows:

16 Wis. Hist. Col., 331:

> "Sieur de la Perriere, who came down from Michilimakinak to Montreal at the end of last month, and who was charged with letters from Monsieur de Lignery, has informed Sieur de Ramezay that about 100 Frenchmen, who secretly went up to Michilimakinak two years ago, after consuming the wares of the merchants who had equipped them, went to the Thamarois on the Mississippi river, where 47 were already established. He reports that they are living there at their ease; as grain thrives in that region they have built a mill, and have a great many cattle. They get as many savage slaves as they wish, on the River of the Missouris, whom they use to cultivate their land; and they sell these to the English of Carolina, with whom they trade. This settlement is a dangerous one, serving as a retreat for the lawless men both of this Colony and of Louisiana. But as we see
> 124 no possibility of preventing it, we believe, Monseigneur,
> that we might render it useful for the service of the kind and of the colony by sending there a dozen soldiers, commanded by an officer, who could build a fort there, and gradually establish order among these Frenchmen. With them he would be able to oppose the building of forts by the English, and all the enterprises carried on by them

in that territory, which has been considered as French since the founding of the colony. As it is only about sixty leagues from the Thamarois post to that of ouabache, the French in either could, in case of need, come to the help of the other. It would also be very useful to establish a post at Chicagou, to facilitate access to the Illinois and the Miamis; and to keep those nations in our interests."

The passage now shown me, which appears on page 372 of the same Volume 16 of the Wisconsin State Historical Collections, is a manuscript headed "Memoir on the Savages of Canada as Far as the Mississippi River, Describing Their Customs and Trade. (Translated from a Ms. in archives of Ministere des Colonies, Paris; pressmark, 'Canada, Corresp. gen. vol. 39, c. 11, fol. 354.')" This is in the nature 125 of a report, concerning the savages of Canada as far as the Mississippi river and describing their customs and trade. There is a passage there which refers to the Desplaines river on page 372.

Whereupon the said passage was read into the record as follows:

16 Wis. Hist. Col., 371:

"The quicapoux and the mascoutins are not far from Chicagou, it may be fifty leagues distant. When they wish to go to Detroit or the St. Josephe river they have to pass by way of Chicagou.

The River St. Josephe is to the south of Lake Michigan, otherwise called Lake of the Illinois. Many follow this river to go to Le Roche, because it is a fine river, and they thus avoid the portage des chesnne and that of des perche. It is a river at the end of Lake Michigan, and goes to Le Roche, which is an Illinois village."

The foot note on that page, 372, is written by Dr. Reuben G. Thwaites, whom I have referred to heretofore, and is explanatory of the passage which has just been read.

Whereupon said foot note was read into the record as follows:

126 "The St. Joseph river formed, with the Kankakee (which was reached by a portage of three to five miles in length, at the present South Bend, Ind.) a convenient route from Detroit to the Illinois settlements. Of the portage here mentioned, that of des Chesnes ('the oak trees') was the one from the Chicago river to the Des-

plaines—the earliest and best known route between Lake Michigan and the Mississippi, the other, des Perches ('the poles'), was probably that from the Calumet river to the Desplaines, at the present South Chicago."

I think that Dr. Thwaites may be mistaken in this footnote, as from this passage and from other similar passages it would seem that the portage des Perches was either from Mud Lake to the Desplaines or else upon the Desplaines itself. About the portage known as des Chesnes, there is no question but what that is the one from the Chicago to the Desplaines. This fact is universally accepted by historians, and is shown on maps.

127 The book which is now shown me is entitled "Chicago Antiquities, Comprising Original Items And Relations, Letters, Extracts, And Notes, Pertaining to Early Chicago, Embellished With Views, Portraits, Autographs, Etc. By Henry H. Hurlbut." Mr. Hurlbut had collected into this volume extracts of newspapers, letters and so forth, which have come to his hand and has published them. The documents so published are regarded by historians as correctly transcribed and as having the authority of the originals, being accurate reproductions of the originals.

128 The passage to which my attention is called in this book is on the top of page 171. As Mr. Hurlbut describes it: "The following is an extract from a 'rough draft' by James Logan, bearing date December, 1718, designed to aid Gov. Keith, of Pennsylvania, in preparing his Memorial to the British Board of Trade. Various other routes to the Mississippi were referred to in the same paper." The footnote which tells who James Logan is is as follows:

> "James Logan was born in Ireland, of Scottish parentage, in 1674. He was a precocious scholar, being proficient in many of the dead languages at the age of 13 years. He came over with Wm. Penn, on his second visit to America, as his secretary, landing at Philadelphia, in Dec., 1699. He filled with ability many offices in the Province, including that of Chief Justice, as well as officiating as President of the Council, also as Governor for two years. 'He was a firm friend of the Indians; possessed uncommon abilities, and great wisdom and moderation.' He died near Philadelphia, in 1751."

He helped Governor Keith in drawing up several papers. Governor Keith published a volume upon the colonies, and

Governor Keith and Logan were regarded as men that were very familiar with colonial affairs.

The passage from Mr. Logan's report is as follows:

> "From Lake Huron they pass by the Strait of Michilmakina four leagues, being two in breadth, and of a great depth, to the Lake Illinoise; thence one hundred and fifty leagues on the lake to Fort Miami, situated at the mouth
> 129 of the River Chicagou. This fort is not regularly garrisoned. From thence came those Indians of the same name, viz., Miami, who are settled on the forementioned river" (Miami now Maumee,) "that runs into Erie. Up the River Chicagou they sail but three leagues to a portage of a quarter of a league; they then enter a very small lake of about a mile, and have another very small portage and again of another of two miles, to the river of Illinoise; thence down the same one hundred and thirty leagues to the Mechasipi."

The object of the preparation of this rough draft of the report to the British Board of Trade by Governor Keith was that the English traders were now beginning to go in great numbers across the mountains and were beginning to realize more fully than they had previously that the French were occupying an extremely fertile valley and were likely to cut them off at the mountains. Governor Keith, being Gov-
130 ernor of Pennsylvania, where many of the traders who
were west of the mountains came from, was extremely interested in this possibility and desired to draw the attention of the Board of Trade and through the Board of Trade of the British Ministry to the danger that was threatening the British possessions in America from French operation.

Volume 19 of the Michigan Pioneer and Historical Society, which is now handed me, is regarded by historians as containing documents in an authoritative form. This particular volume contains many copies of papers on file in the archives of the Dominion of Canada at Ottawa, and this particular document on page 5 is a copy of a representation of the Lords' Commissioners for trade and plantations to the King, upon the state of his majesty's colonies and plantations on the continent of North America, dated September the eighth, 1721. This is the report of the Board of
131 Trade to which was sent the report of Governor Keith
of Pennsylvania. The Board of Trade was founded for the promotion of the trade between the British colonies and

the mother country and all matters pertaining to the Colonies generally were first referred to the Board of Trade for investigation and report. There was scarcely any action during the eighteenth century taken by the British Ministry or British Parliament concerning the Colonies without a report from the Board of Trade. The Board of Trade collected its information from reports from governors and other officials and even from private individuals. It was founded for the purpose of collecting such information and its archives are among the richest in London for colonial history. The report of the British Board of Trade would be regarded by historians, concerning matters in the United States with which that report had to deal, as a report of a body whose purpose it was to investigate, and as giving the information which the Board at that time possessed.

Whereupon the said passage on page 5 was offered in evidence; objected to as a document which in itself would not be admissible, therefore abstract inadmissible; said passage was thereupon read into the record, as follows:

132 (19 Mich. Pioneer & His. Col., p. 5):

"From the Lake Huron they pass by the straight Michillimackinac four leagues, being two in breadth, and of a great depth, to the Lake Illinois; thence 150 leagues on the lake to fort Miamis, situated on the mouth of the river Chicagoe; from hence came those Indians of the same name, viz., Miamis, who are settled on the forementioned river that runs into Erie.

Up the river Chicagoe they sail but three leagues to a portage of one-fourth of a league; then enter a small lake of about a mile, and have another very small portage, and again another of two miles to the river Illinois; thence down the stream 130 leagues to Mississippi."

133 The title of the book now shown me is "Journal of a Voyage to North America, Undertaken by Order of the French King." In a Series of Letters to the Duchess of Lesdiguieres. Translated from the French of P. de Charlevoix." "London, 1761." The book covers the time Charlevoix made a journey for the purpose of examining the French colonies in 1721, and this is a publication containing letters that he wrote back to France from the various points that he visited. Charlevoix is regarded as a man of ability who was chosen by the King for this particular purpose, to make a journey to the French Colonies and to report on what he

saw. He has an excellent standing among historians, and historians would use this book as the most excellent source of material.

Whereupon there was read into the record a passage beginning on page 165, as follows:

> "Fort on the River St. Joseph, September 14, 1731.
>
> Madam:
>
> It is now three days since I set out from this place for Chicagou, by coasting along the south shore of Lake
> 134 Michigan; but we found the Lake so stormy that we resolved to return hither and to seek out some other way to reach Louisiana. Our departure is fixed on the 16th, and I am going to make use of this delay of two days to continue my account of the customs and traditions of our Americans."

Also the passage from page 183, as follows:

> "Source of the River Theakiki, September 17, 1721.
>
> Madam:
>
> I believe I gave you to understand in my last that I had two routs to chuse, in order to gain the country of the Illinois; the first was by returning to lake Michigan, coasting along the southern coast, and entering the little river at Chicagou. After ascending five or six
> 135 leagues up this river, there is a passage to that of the Illinois, by means of two carrying places, the longest of which is not above a league and a quarter; but being informed that at this reason of the year there is not water sufficient for a canoe, I have taken the other route, which has likewise its inconveniences and is far from being agreeable, but it is more certain."

Having in mind the context, I would state that Charlevoix took the St. Joseph and Kankakee route, and the other route to which he refers is the Chicago and Desplaines portage. There is nothing in any of the writings of Charlevoix to show that he used the Chicago Desplaines river, and in fact
136 he only passed through the country this one time, and he shows by his own writings that he took the route by the St. Joseph. The fact that he went through the country only once is regarded as an established fact, and I would state that there is no reference in his writings to the use of the other portage, from my own investigation. There is another passage on page 184 which shows a little more affirmatively that he did use the portage to which I have referred as being used by him.

Whereupon said passage was read into the record as follows:

(Charlevoix, 187):

> "I departed yesterday from the fort of the river St. Joseph, and sailed up that river about six leagues. I went ashore on the right, and walked a league and a quarter, first along the water-side, and afterwards across a field in an immense meadow, entirely covered with copses of wood, which produce a very fine effect; it
> 137 is called *the meadoe of the Buffaloes head*, because it is said a head of that animal of monstruous size was once found there. Why might not there have been giants among the brutes? I pitched my tent on a very beautiful post, called *the Fort of the Foxes*, because the foxes, that is to say, the Ontagamies had not long ago a village there, which was fortified after their fashion.
>
> This morning I walked a league farther in the meadow, having my feet almost always in the water; afterwards I met with a kind of pool or marsh which had a communication with several others of different sizes, but the largest not above a hundred paces in circuit. These are the sources of the river Theakiki, which by a corrupted pronounciation our Indians call Kiskiki. This signified a wolf, in I do not remember what language, but this river bears that name, because the Mahingans, who are likewise called the wolves, had formerly taken refuge on its banks.
>
> We put our canoe which two men had carried thus far into the second of those springs, and we embarked ourselves, but we had scarce water sufficient to keep her afloat. Ten men would in two days make a straight and navigable canal, which would save a great deal of trouble and ten or twelve leagues of way; for the river at its source is so very narrow, and such short turns must of necessity be constantly made, that there is danger of damage every moment to the canoe, as has just now happened to us. But we shall now return to the Indians,
> 138 and after having seen in what manner they are treated during sickness, we shall take a view of them whilst they are a-dying, and of what passes after their death."

I have been reading from a translation made in 1761. The English people were particularly interested in all they could learn of the West at this time, and we have a great many publications from themselves; but also they translated the French works and this is one of those translations. It is regarded by historians as a correct translation.

The map to which my attention is now directed is entitled, "A New Map of ye North Part of America Claimed by France under ye Names of Louisiana, Mississippi, Canada, & New France with the adjeyning territories of England & Spain. By H. Moll, Geographer. 1729." Mr. Moll was the Royal Geographer at this time and was in fact regarded in his day as an authority in cartography. He was in constant touch with the Board of Trade, and used the papers of the Board of Trade for the purposes of obtaining information from which he could make his maps. He was also familiar with the French maps and used them as a basis in his work. Moll's maps are quoted by historians and
139 used by historians as showing a knowledge of the time.
There is marked a portage on this map beginning at the lower part of the Lake and Extending to the Illinois river.

Answer objected to on the ground that map speaks for itself.

Whereupon the map was offered in evidence.

(For copy of above Exhibit see Appendix, ...)

The map to which my attention is now directed is entitled "Carte Des Lacs Du Canada Dresse sur les Manuscrits de la Marine et sur le Journal du R. P. de Charlevoix Par N. Bellin Ingenieus et Hydrographe de la Marine, 1744."
140 The French were naturally the first ones to work out the cartography of the Great Lakes, and lay the basis for future maps of the Great Lakes. Bellin was one of these early cartographers and one of the best known. His maps were extensively used by both French and English, and there was perhaps no one in the 18th Century having a better reputation than himself, except perhaps DeLisle and De'Anville had an equal reputation. At the time Bellin wrote there was deposited in the archives of the Marine, a large number of reports, detailed maps, letters and so forth, from the Great Lakes region, which it would be possible for him to examine, and which it was his business to examine. His map is based upon this kind of information.

Whereupon the witness proceeded to explain the meaning of the different French names which were used there, and the modern designation of the places and rivers that are put down on the map; which was objected to by the defendant.

141 At the mouth of what is now known as the Chicago river he has "River et Port de Chicagou." There is marked a portage from the Chicago river to the Desplaines river, which is called "Portage aux Chenes," the Oak Tree Portage, a name that was given regularly to that portage from the Chicago river. There is around the lower end of Lake Michigan the river Galline, which is probably the Calumet river. On the east branch we have the river St. Joseph. Coming further down, the river flowing into the Illinois, its course being south of Lake Michigan, is the river de Teakiki, or Kankakee: A branch of this river is the Riviere de Iroquois. Where the Kankakee joins the Illinois river he calls it La Fourche.

Whereupon the said map was offered in evidence, on the understanding that all the maps offered are to be photographed for the record, and that the photographs are to be taken in place of the original.

(For copy of above Exhibit see Appendix, ————)

The river des Illinois as it appears on the map at that 142 time was very frequently regarded as being continued by the Desplaines.

John Mitchell was an Englishman who came to Virginia early in the 18th century and lived there for a number of years. He was a doctor or physician, very much interested in botany, and also very much interested in cartography. In both of these fields he became a specialist.

While he was in Virginia, Virginia became more and more interested in the lands west of the Alleghenies, and John Mitchell collected all the information that he could upon this western country, being one of the first Englishmen to make himself a master of that subject. He collected at this time many manuscripts which have been lost. He finally returned to England where he spent the rest of his life, but continuing the same pursuits. He was a member of the Royal Society and read a very large number of papers before that body on various scientific subjects, and some of them on the West and the Cartography of the West. His attention was still 143 further drawn to the western country during the war that was known in this country as King George's War. He seems to have been connected with those men who were desirous of opening up the West for colonization.

He began work upon the maps and in 1755 produced the first edition of his map, which was the most famous map made by any Englishman in the 18th century. After the appearance of this map the English Ministry used it for the purpose of making any announcements concerning the Colonies. For instance, in 1763, when they made their announcement concerning their policy in regard to the western country on October 7th, it is John Mitchell's map that they used. In 1774 when the Quebec Act was passed, it was John Mitchell's map that they used to show the increased boundaries of the Province of Quebec. In 1783 when the American negotiators met the British negotiators to determine the treaty of peace between the mother country and the former colonies, John Mitchell's map was used; and since that time, in every controversy over boundaries between Canada and the United States, reference has been made to John Mitchell's map as being the map that was at that time used to show the boundaries.

The map which is now shown me is entitled "A map 144 of the British Dominions in North America, with the Roads, Distances, Limits and Extent of the Settlements, Humbly Transcribed to the Right Honorable The Lords Commissioners for Trade & Plantations, By Their Lordships Most obliged, and very humble servant, John Mitchell. Printed for Jeffreys and Faden Geographers to the King at the corner of St. Martins Lane Charing Cross, London. Thomas Kitchin, Sculp. Published by the Author February 13th, 1755, according to Act of Parliament."

There are a great many editions of the John Mitchell map, and this is an edition that was printed in 1772 for the firm of Jeffery and Faden. In the next year the firm was changed, so that that fixes the date; but the Board of Trade have taken the plate and have superimposed upon it the outlines of the Province of Quebec in accordance with the Act of Quebec passed in 1774. Therefore this map was printed in the year 1774 by authority of the Board of Trade.

Whereupon counsel for the government offered the map in evidence, and stated that in photographing this map it is their intention to photograph, not the entire map, but only enough of it to show the portion of the country that is under consideration in this hearing; that is to say, the Lake region and enough of the region to the south to show the situation.

(For copy of above Exhibit see Appendix, ——————)

145 Whereupon the witness was asked to state the modern designation of certain places, rivers, lakes and portages

which appear on that map; over the objection of counsel for the defendant.

PROFESSOR ALVORD (Continuing): At the place which is now Chicago we have the inscription, "Portage to the river and port Chicagou." It is a generally accepted historical fact that the place which is put down there as Port Chicagou is the present location of that portion of the City of Chicago which is at the mouth of the Chicago river. The Desplaines river is here marked as a part of the Illinois river.

146 At the branch of the Illinois river, now known as the Desplaines, there is marked the word "Portage," which might also mean that it was the intention of the cartographer to have read also, "Portage to the river and Port Chicagou." I find there the river Galline, the same as on the other map, and the river St. Joseph; and the river Theakiki is used to designate the Kankakee. The word "Outagamis," or Fox river, is the river used when the traders wished to go to the upper part of the Mississippi, and they went by the Fox and down the Wisconsin. That is the river that is now known as the Fox river, and this river Ouisconsin is the Wisconsin.

These names that appear on this map (indicating) are
147 Indian tribes. The Outogamis here, or the Fox; south of them are the Mascoutens and the Miamis, and here in central Illinois are the Illinois.

148 This map is one of the sources for the statement I made in a former part of my examination with reference to the location of the different Indian tribes during this time. There are a great many other sources from which I gained that information and opinion.

The book to which my attention is now directed is entitled "The Contest in America Between Great Britain and France, with its Consequences and Importance. By an Impartial Hand. London, 1757."

The outbreak of the French and Indian war was due to the struggle between France and England for the possession of the Ohio country immediately, and developed into a struggle for the possession of the whole west. The contest aroused the interest of the people of Great Britain and the Colonies, and a very large number of pamphlets were issued from the press concerning it. The most important pamphlet of the kind is this one, known as "Contest in America, By an Impartial Hand." It was soon known in England and America that the impartial hand belonged to John Mitchell. Such is the generally accepted historical fact as known by contemporaries and has been known ever since.

149 In 1773 the famous Arthur Young, economist, wrote a pamphlet on the possibility of western colonización in America, and he used portions of this book, and directly ascribes them to John Mitchell. I have myself made comparison with the passages he quotes in his foot notes with the passages in this book, so that I determined for my own self that the author of this book was John Mitchell.

Q. Before reading the passages you have before you and in order to make clear the meaning of the passages I wish you would state the historical fact with reference to the part if any which this fur trade played in the contest between France and England?

Same objection.

A. As we have already seen, the French were the first to get hold of the fur trade of the Great Lakes and the Mississippi Valley regions, on account of their location on the St. Lawrence river. They were able to practically monopolize it for some time, although the Albany merchants in the Colony of New York were able to draw furs from this region by means of the Iroquois Indians. This, however, did not affect the Pennsylvania and Virginia
150 merchants who were obliged themselves to go into the interior by crossing the Alleghenies. They therefore were the first ones among Englishmen to get into the western country.

By the middle of the second decade of the 18th century the French complained of the English traders on the Wabash, and for that reason they built the post at Vincennes. During the war known as King George's War, the French realized more fully the danger to their western country from the English colonies. Explorations by them in the upper Ohio showed that the country was full of English traders, and that they were in danger of losing the land not only for colonization but for the fur trade. They therefore determined to make a desperate attempt to close in the English people at the Alleghenies by locating a line of forts all along the rivers at the back of the Alleghenies, and thus cut out the passages that the Colonials were using in their pursuit of game.

Between the years 1750 and 1754 this line of forts was made and it was because of these activities on the part of the French that the English brought on the French and Indian

War which was an undeclared war for two years carried on on the upper Ohio, a war in which George Washington participated.

Whereupon there was read into the record the passage beginning on page 78, paragraph 3, as follows:

> "III. Their next view is, to secure those extensive territories, that they thus lay claim to; for which they have left no stone unturned for many years. For this purpose they have been securing one place after another, and building fort after fort, for many years. We see the plan and system they have laid down in North America, and all their proceedings are directed and tend immediately to execute and accomplish it. With this view they proceed from north to south across that continent,
> 151 and seize every convenient place in their way; in order to join their two colonies of Canada and Louisiana together. For this they have hitherto been obliged to go a vast way around about, by four of the great lakes, and thence down the river Illinois into the Mississippi. But seeing a nigher and more convenient pass by the river Ohio, they at last seized that."

Professor Alvord (Continuing): The first word of that passage, "their," refers to the French, taken in connection with the context.

The book to which my attention is now directed is entitled "DuPratz' History of Louisiana," published in London, in 1774. LePage DuPratz was a Frenchman who was induced by the attractions held out to settlers in Louisiana at the
152 time of John Law's speculations to come to Louisiana. He spent most of his time in traveling, and knew the country very well, making special investigations into it for the purpose of writing concerning it. When he returned to France he published a volume entitled "Historie de la Louisiana" which has been used again and again by historians as an authoritative statement of conditions in the West. It was used by the French contemporaneously, was translated into English more than once, and was studied by them with great care. Modern historians have quoted DuPratz again and again. He has a most excellent standing as a scholar and historian and a man of good observation. The term Louisiana, or better, the Province of Louisiana, extended from the mouth of the Mississippi, its southern boundary being marked on the east by the Spanish possessions in Florida, and on the west by the Spanish possessions in Mex-

ico. It took in the Mississippi Valley with these limitations:
The French claimed that the eastern boundaries of Louisiana
extended to the Alleghenies; and the western boundaries of
Louisiana extended to the Rocky Mountains, rather indefi-
nitely; the northern boundary west of the Mississippi ex-
tended indefinitely into the north. That left the
153 boundary between Nouvelle France, and Louisiana, to be
determined. It was somewhat indefinite in the minds of
Frenchmen at times, but an authoritative statement
by the French government fixes the line as running along the divide between those rivers that flow into Lake Michigan and those that flow into the Mississippi; those rivers flowing into the western end of Lake Erie and the Wabash extending down the Wabash to the Ohio and along the Ohio and the Alleghenies. The whole country of the Illinois belonged therefore to Louisiana.

Thereupon an extract on page 182 of the said DuPratz' History of Louisiana was read into the record, as follows:

> "In these countries there is a river, which takes its
> name from the Illinois. It was by this river that the first
> travellers came from Canada into the Mississippi. Such
> 153 as come from Canada, and have business only on the Illi-
> nois, pass that way yet; but such as want to go directly
> to the sea, go down the river of the Miamis into the
> Wabache, or Ohio, and from thence into the Mississippi."

The date of the book is 1774. I have read a transla-
154 tion of the original. This translation is regarded as a
good translation. This particular passage I have compared with the original French and know it is correct. The French edition appeared in 1748, or thereabouts.

The map which is now shown me is a German map entitled "Karte von den seen in Canada Zurallgemeinen Historie der Reisen Von M. B. Ing. de la Mare," which being interpreted means Map of the seas in Canada for a general history of travel by M. B. Ing. de la Mare, 1757. This is a German map by the geographer de la Mare who has investigated the maps of the lake region, basing his conclusions largely upon the French maps, and has prepared this map for a German work.

Thereupon the said map was offered in evidence and the witness was asked to point out the portions of the map having relation to the water route from the Lake Region to the Mississippi; which question was objected to for reasons heretofore given.

(For copy of above Exhibit see Appendix, ...)

155 **Professor Alvord** (Continuing): The port at Chicago is marked Checagu. There is marked a portage between the Chicago river and the Desplaines which is called Eichen Fahrt, or Oak Tree Portage. The Desplaines is marked the river of the Illinois.

The document to which I am now referring is entitled "Affaire etr. Correspondence Politique etats Unis Supplement, Vol. 6, fols. 104-112." This document was enclosed in a letter written by the Duc de Choiseul on the 10th of August, 1761, wherein he said: "I send you a memorial on the limits of Louisiana which I have previously told you
156 about, and which has appeared to me very well made."

This work was prepared under the circumstances that by the year 1761 the most important questions concerning North America that had led to the French and Indian War between Great Britain and France had been settled.

157 Under William Pitt, the British arms had been triumphant in America, Canada had been occupied and the fort that the French had built at the forks of the Ohio had been taken, so that it seemed possible both to the French and the English that a treaty of peace might be made.

The situation in England from the point of view of the French minister was very favorable. In 1760 the young George III had come to the throne and he with his favorite Lord Bute were in favor of making a peace as soon as possible. The Duc de Choiseul was prime minister of France at this time, and sent to London as his agent a man by the name of de Bussy to enter into direct negotiations with William Pitt. Choiseul did not give Bussy discretionary powers; he was simply the agent of the French minister, and this memorial was sent by Choiseul to his agent, showing about what he was ready to concede to England, and also along what lines he was ready to make the treaty of peace. The negotiations opened up in 1761 failed by the fall of that year and the war was continued until the treaty was made in 1763.

This document which I have before me is a copy of the document the history of which I have just given, and the original of which is found in the place here designated. The copy was made for me some time ago because I was inter-
158 ested as a historian in that treaty of peace, and was made for an entirely different purpose than introducing it here. The copy was corrected by Mr. Waldo Leland, the agent of Carnegie Institute in Paris, and he took great care to see that I received a correct copy, as it was of the utmost importance

for the uses that I was going to make of it. The original from which the copy was made is in Paris. I do not know in whose handwriting the copy is that is before me. Mr. Waldo Leland who has collated it and made corrections furnished it to me as an accurate copy of the document in Paris for use in an entirely different matter than the one in which I am now using it.

159 Whereupon the said portion of said document was offered in evidence, which document was objected to on the ground that the original document if it existed would not itself be competent and that no foundation had been laid permitting the introduction of a copy.

Whereupon counsel for the government asked the witness to proceed and read from the document before him, with the understanding that if the objection was pressed at the hearing the government would supply an authenticated copy of the original instrument.

Whereupon the said passage was read into the record as follows:

(Memorial on Louisiana by Choiseul):

"In the uncertitude in which France is that the position of affairs may decide her to cede Canada to England, the true manner of determining a general plan of the limits for Louisiana as well on the side of the English colonies as on the side of Canada is, to commence by making out a schedule of the natural advantages of Louisiana and of Canada. The purpose of this business is to have a result which may serve as a guide in the operation.

For the belligerent parties in America have not for
160 their object in the present war the extent of territory, but only the profit that may be drawn from the country in contention between them.

With this point of view the spirit in which one should work in establishing the limits of Louisiana is to regulate them in such a manner that they do not take away any advantages which render this colony and that of Canada of some value for France, or that they cause the least possible loss.

This is the principal point and, indeed, the only one. Since this point will not suffer extinction whatever the extent of territory may be by the cession, it becomes indifferent, perhaps even it is useful. Advantages limited in a less space may appear preferable to the same advantages scattered in a very great space.

* * * Before then presenting any idea on the limits of Louisiana, it is best to show in what the natural advantages of this colony and of Canada consist and in what they interest France. These two colonies embrace vast countries filled with fertile land and whose climate is healthy although the temperature is very different in the parts situated under the most distant parallels. Canada furnishes grains, vegetables, hemp, cattle, copper, peltries, among which is the article of beaver, timber, targensing, iron, fish oil; it has mines of lead. * * *

161 Peltries, particularly beavers, copper, timber, are the most interesting parts of the production of Canada, in which old France can not supply herself from her own soil. * * *

From this short exposition there result two points: one that the conservation of Canada interests France only in relation to certain productions. If in ceding Canada one manages limits which preserve for France these same productions, the cession of this colony is not a loss. * * * It is necessary to observe that the peltries and beaver especially are exhausted in environs of Quebec and for one hundred leagues around this village one no longer gathers them for a long time. Peltries and beavers in which the Canadians trade (this amounting to 18,000 livres per year) come to them from a great distance in the west and north. These merchandise come into their hands in two ways: from the Outouacs and other savages neighboring the western banks of Lake Superior who come by way of the lakes to Montreal; or by coureurs de Bois, that is to say by the colonists who trade in peltries in the woods. These journey to the lakes and traffic in the country of the savages of which one has just spoken, or indeed they betake themselves to the southern extremity of Lake Michigan whence, by means of a very short portage, which one calls the portage aux Chenes, they de-
162 scend by the river, the Illinois, into the Mississippi. They then journey up this river and sometimes also the Missouri, and trade with the Penis, Sioux, and other numerous nations who inhabit the north of Louisiana. These coureurs de Bois thus are accustomed to seek the skins which they bring back at eight hundred leagues from Quebec. It is easy to see in examining the map that they

would have a shorter journey and less difficult by going to New Orleans than to Quebec, and that the savages who are accustomed to bring their booty to Montreal would have less journey and a less hazardous road than that, and one in which they would be less exposed to ambuscade by the savages, their enemies, in carrying their packages to the southern banks of Lake Michigan, near which is the post of the Illinois, one of the best established of Louisiana.

* * * To this observation concerning peltries it is necessary to add the subject of copper, hemp, timber, which one draws from Canada, first that a great part of this copper comes from the same countries where the coureurs de Bois are accustomed to seek the peltries; second, that the forests with which are covered the countries watered by the Missouri, by the Mississippi, and by the rivers without number which empty into the two rivers, will furnish if one wishes to take the necessary care
163 therefore, as much hemp and timber as one could have need of.

So that in order to lose nothing of the productions of Canada in ceding this province, the only attention that there is need to have in the establishment of the limits of Louisiana on this side appears to be to preserve the exclusive navigation from Lake Michigan from Lake Huron and from Lake Superior, in order that the savages of the north and of the northwest may have an easy and sure access to the Illinois post."

Professor Alvord (continuing): Mr. Leland states that this document is to be found in two places. He has given me the following note:

"This memorial is found (as copied) in Affaire etr. Correspondence Politique Etats Unis Supplement, Vol. 6, fols. 104-112; and also in Affaire etr. Correspondence Politique Angleterre. In Vol. 6 (Etats Unis) there is nothing to identify it, but in Vol. 444 (Angleterre) is found the legend 'Envoye copie a M. de Bussy le 10 Aoust 1761.' "

164 This document was written for the purpose of showing that the boundary line between Canada, which was to be ceded to Great Britain, and the French province of Louisiana which it was expected that France would retain, could be so drawn that the benefits that France had up to this time received from Canada might still be retained. The memorial

points out that the chief products of Canada, particularly of peltry, copper, and so forth, were obtained in the region of the Great Lakes, and if the boundaries of Louisiana were so drawn as to control the waterways from Lake Michigan into the Mississippi, then the trade of this region could be conducted by the French traders and brought by means
165 of water routes down the Mississippi to New Orleans,
even if Great Britain was put in possession of Canada.

This memorial was prepared for the negotiations looking toward peace that was entered into between the British government and the French government in the year 1761. The result of these negotiations was that the two countries failed to reach any agrement in regard to the boundaries of Canada. Also the Duc de Choiseul had entered into negotiations with Spain for the purpose of getting the support of Spain for France in making peace.

William Pitt, the British minister, had followed the Spanish-French negotiations with considerable care and decided that if Great Britain was to reap all the advantages of the war, she must declare war upon Spain also. He proposed that to the ministry and since they would not follow him, he resigned. The treaty negotiations were broken off, however, and England and Spain actually did enter into a war, the results of which changed the conditions very materially and resulted in the Treaty of Paris in 1763. The result of the treaty at Paris in regard to this particular territory was that the French ceded to England Canada and gave up all of her claims in Louisiana east of the Mississippi river, with the
166 exception of New Orleans and the land contiguous. The
particular territory in which is now situated the State of Illinois passed by this treaty into the hands of Great Britain.

Illinois, as a district of the Province of Louisiana, included all of the region between the Ohio and the rivers flowing into Lake Michigan, that is the headwaters of the rivers flowing into Lake Michigan. On the east this was bounded by the Wabash in general, and on the west its extent was from the Arkansas river indefinitely northward, that is, west of the Mississippi. In this region the French had certain posts that had been established. The seat of government was at a place that is known by the English term of Fort Chartres, the French name being Fort de Chartres. Situated on
167 what is known as the American Bottom. Besides Fort
de Chartres we have the following French villages also

on the American Bottom, that is, extending from East St. Louis to Chester. Beginning at the North, Cahokia, St. Phillipe, Fort de Chartres, the village of which was known as New Chartres, Prairie due Rocher, and Kaskaskia. Here they had a population of probably at this time under two thousand. None of these posts were on the Illinois river. They were all on the Mississippi river.

This book which is now shown me is entitled Topographical Description of Virginia, Pennsylvania, Maryland and North Carolina, By Thomas Hutchins. It was published in London in 1778, and is the original edition. Thomas Hutchins calls himself in this book Captain in the 60th regiment of Foot. Hutchins was a captain in the British army and fought during the French and Indian War against the French. He was one of the civil engineers employed by the British
168 government in making maps of the west. We find him employed in Florida, on the Great Lakes, at Fort Pitt, making maps of the upper Ohio region. In 1766 he is in the Illinois country with the post at Fort Chartres, mapping that region.

His map of the Illinois region was the basis for future maps of the region for many years afterwards. He visited Lake Michigan and Green Bay, and probably there was no man in the British army previous to the breaking out of the Revolutionary War who had a better knowledge of the west than Thomas Hutchins, and his information was used by the British ministry. He sympathized with the Americans at the outbreak of the Revolutionary War, and after the close of that war his reputation as a surveyor resulted in the appointment by the United States government of himself as first surveyor general, and in that position he was the first to lay out the land on the upper Ohio around Marietta. This particular volume has been used again and again by historians as authority for statements concerning the west. I find in it a passage which refers to the Chicago Desplaines at page 42, as follows:

> "The Illinois river furnishes a communication with Lake Michigan by the Chicago river, and by two portages between the latter and the Illinois river, the longest of which does not exceed four miles."

169 The map which is now shown me is entitled "Carte Du Theatre de la Guerre Presents En Amerique Par L. Denis." L. Denis was a well known French geographer and author and has made this map, which was published at Basset

in 1779, in order to illustrate the country in which the American Revolutionary War was then being conducted, and in which France was particularly interested, because at this time she was just making an alliance with the revolting Colonies. Mr. Denis had a most excellent standing among map makers. His map is regarded by historians as the most excellent map of its time, by a man who was well acquainted with the territory which he was describing in the map; and as based upon the best known authorities at that time. His source of authority would be preceding maps and de-
170 scriptions and such memorials as had been printed or might be in manuscript in the archives of France.

(Said map was offered in evidence and appears in Appendix, ...)

Volume 19 of the Michigan Pioneer and Historical Collections contains a large number of transcripts that were contained in the Canadian Archives at Ottawa, taken from what is known as the Haldimand Papers. General Haldimand was a Swiss officer who entered the British army and served for many years therein. He was in the French and Indian War. After the war was closed he was sent to Florida as Governor, and then transferred from Florida to Canada, where he was Governor General for some time after the outbreak of the Revolutionary War. He had a vast correspondence, of course, with army officers and other people through-
171 out the Colonies. This correspondence he kept very carefully. It was finally given to the British Museum, where it is situated today. Some years ago Douglas Brynmer was Archivist of the Dominion Archives, and he obtained copies from the British Museum for the Dominion Archives which copies have been used again and again by state officials and historians. The Michigan Pioneer and Historical Collections have reproduced here in print some of these documents. I find among these documents letters that refer to the "Chicago Desplaines." These copies are regarded by historians as authentic transcripts of the originals. The first of these letters is from Captain Dederick Brehm to General Frederick Haldimand, Niagara 8th May, 1779. The passage in question is found on page 405.

Whereupon said passage was read into the record, as follows (19 Mich. P. & H. Col., p. 405):

"After considering the situation of Major de Paister I apprehend he runs more risk from Chicagu by the Illinois

River, then Capt. Larnould, as your Excellency will have and yet see, what precautions and means Col. Bolton has taken and is still constant sending partys towards Tuscarowas, and Fort Pitt to harass and disturb their proceedings but Clark having reduced Vincennes as early 172 as February may have time to attack de paister by the above mentioned River, if the least preparation has been ordered by him at his leaving the Illinois."

This is a letter concerning a possible attack on the part of the Virginians in Illinois territory against the British Posts. This is an official letter from Captain Brehm to his superior, General Haldimand. In the letter in the same volume, page 410, he refers to the same Chicago-Desplaines portage. It is a letter from Captain Dederick Brehm to General Frederick Haldimand, dated Niagara, May 12, 1779. 173 It is an official letter from Captain Brehm to his superior officer.

Whereupon the said letter was read into the record as follows:

"Col. Bolton has ordered some spades, shovels & Pickaxes to be got from this place, the former from Merchants, he having none in store which I intend to carry up to Detroit for the use of said place or Michilimakinac, for which last Post I apprehend the most by the way of the Illinois & Chicago Rivers over Lake Michigan."

Mr. E. E. Ayer has made a collection of manuscripts on western history, and also of books on western history that is extremely well known throughout the country and con-174 tains a great many manuscripts of great value. This particular manuscript is regarded by historians as an original manuscript. This copy is in print. I have translated the certified copy, and my translation is accurate to the best of my knowledge and belief.

Whereupon the said document was offered in evidence.

Objected to on the ground that the original document itself would not be competent evidence, and that the copy was not sufficiently authenticated.

Said translation was as follows:

"To M. Capt. Langlade, Commandant of the Troops of His British Majesty, ordered to make war upon all rebels, all subjects of Spain or any other alien or domestic power 175 allied with the said rebels:

Sir: You are commanded to put your detachment on land as near Milwaukee as the circumstances will permit and without losing time to get across the land in order to gain the first village of Illinois which is named Peoria. You will send by canoes as much provision as you will find necessary by the River Chicago, taking good care not to overload your canoes and that they are sufficient in number to carry your detachment to Cahokia, the village opposite St. Louis.

* * * * * *

Hasten to set out quickly in order to inform M. Louison Hamelin to follow you by the same route and keep him informed of your march from time to time. In case you do not have on your return boats at Milwaukee or Green Bay, buy canoes in order to reach here. * * *"

176 There is nothing in the manuscript to show by whom it was written. It might have been written by several military officers of Great Britain. Evidently it was an official letter to Captain Langlade. There is nothing in the letter to show the date, but the circumstances are such as to place it in the year 1780.

Turning to Volume 19 of the Michigan Pioneer and Historial Society Collections, already identified, I find in it a letter written by Patrick St. Clair, on page 529.

Patrick Sinclair was Lieutenant Governor following DePeyster at Michilimackinac when the latter was transferred to Detroit. This letter was written at Michilimackinac and seems to be an official letter written to Lieutenant Colonel
177 Bolton, a lieutenant colonel in the British army. The letter is dated at Michilimackinac, June 4, 1780, and is as follows:

(19 Mich. P. & H. Col., 529):

"I have the Honor to enclose you Returns of the Garrison, which account for all casualties since Major De Payster's Departure. * * *

The Sloop Felicity with a small Vessel, private property, went into Lake Michigan on the 29th Ultimo to land a Party of Canadians and Indians, who go by the Illinois River to second the attack of a Thousand Traders, Servants and Indians, sent down the Mississippi in obedience to my Lord George Germain's Circular Letter. * * *

The Two Vessels are returned from Lake Michigan with a part of the Indians & Volunteers on the attack against the Illinois, scarcity of Provisions obliged them to return by different Routes, some by the Mississippi, some through the Country between Lake Michigan and that River, and some as directed by Chicagoe."

178 This volume which is now shown me is Volume 10 of the Michigan Pioneer Collections, which is one of the volumes already referred to. Volume 10 contains some transcripts of the Haldimand papers. On page 569 is a plan of an expedition against the Illinois drawn up by Guilhaume LaMothe, a Frenchman of Detroit, who joined the British and was captain of their militia in Detroit. It is dated April 24, 1782. It is a document drawn up to be presented to the military authorities.

Whereupon the said document was read into the record as follows:

"April 24th, 1782.

Plan of an Expedition against the Illinois, which I have the honor to present to Your Excellency.

Leaving Detroit with a small army of & some neigh-
179 boring Indians, Sauteaux, Hurons & Misthey will come by land to St. Josephs a journey of eight or ten days. They after having taken the poux Nation, who are settled on this river they will come to the branch of the Chicagouet & the Quinquiqui to try to get the Indians of the small fort of Milanaquis & another village, who have appeared, till the present to give their services to the Illinois & Lately conducted a party to St. Joseph who took the Commandant placed there by Governor St. Clair. As the two villages are the refuse of all the malefactors of all the other nations of which the two chiefs are Dougurne Sauteux, the one named Segurnac & the other Macquivois who have their families near Michilimackinac & it would be easy for the leader of the party to send them with the belts & we would by these means keep back the intelligence which they would have given to the enemies. During this time we could bring the barges & ammunition & go to join the little army at the entrance of the Chicagous where is a portage of half a league in good weather, in this way we could come without difficulty to the Illinois."

Referring now to the last five letters or documents which
180 have been read in evidence, these documents have to do with the use of the Chicago-Desplaines portage by the military forces of Great Britain in making an attack upon the Illi-

nois country in possession of the Americans, and upon St. Louis, which was in the possession of Spain.

Q State what object a historian would consider these various officers had in referring to the Chicago Desplaines route as a means of transporting troops?

Objected to a conclusion; incompetent, irrelevant and immaterial.

A. The Chicago Desplaines route seemed to them to be a very convenient route to get down the Illinois country.
The book now shown me is entitled "Archives of Aboriginal
Knowledge. Containing all the Original Papers laid before
Congress, respecting the History, Antiquities, Language,
181 Ethnology, Pictography, Rites, Superstitions, and Mythology of the Indian Tribes of the United States. By
Henry R. Schoolcraft, LL. D. In six volumes. Philadelphia,
1860." This is volume 3.

Henry R. Schoolcraft was what we designate, probably by reason of his most important publications, an ethnologist, a student of the Indian tribes, although his interests were very broad. He was one of the earliest and has remained one of the best known of the men dealing with this particular phase of our history. He traveled excessively throughout the west, visited a very large number of Indian tribes, explored many rivers, and his works are regarded as of high standard and accuracy. If we find in his book here a reference to the use of a certain route by certain traders, historians would consider that incident as being reported by a man of careful observation and one who had trained himself in the habit of re-
182 cording. The incident would be regarded by historians in
general as an authentic report of the incident which it purports to record. I have found a passage which refers to the Chicago-Desplaines portage. It is a document regarding the testimony concerning Indian life in the northwest in 1763 by John Baptiste Perrault. On page 353 occurs the following:

3 Schoolcraft's "Indian Tribes," etc., p. 353:

"My deceased father was born at Quebec, in 1732, being of a respectable family of that city. He finished his studies at the age of twenty, under the French government, who gave him a situation at the foundery of St. Maurice. After the taking of the country by the English he was stationed at Trois Rivieres, in the capacity of an Inspector, under General Haldimand. In 1770, he commenced merchandizing at Riviere du Loup, from whence

I was sent, at a suitable age, in 1776, to the College of Quebec, where I remained until 1782.

My father, having dealings with Mr. W. Kay of Montreal, sent me about the middle of March, 1783, to adjust them. Then I was first seized with the desire to travel, 183 seeing the preparations making by M. Marchisseaux, merchant-voyager, a friend of my late father, who had recommended me to his house. I declared to my father my intentions on the subject, and, with his consent, I returned to Montreal the first of April, and agreed with that gentleman to go to the Illinois in the capacity of a clerk, at the price of a thousand livres and twenty sole, being exempt from all servile labor; to set out on the first intimation."

I find in the same article a reference to the use of the Chicago-Desplaines portage.

Whereupon said passage was read into the record as follows:

"On the 16th of May, 1783, I received the orders I had long desired; for I had figured to myself the great advantages I should derive from that calling. M. Marchisseaux directed me to assemble the men whom he had engaged at Montreal for the voyage; namely, Sacharite, Quebec, St. Germain, Robert, Dupuis of Maskinonge, Antoine and Francis Beauchemin, Menard, L. Lavelle of Sorel and Yamaska; to conduct them to St. Francis, and take from the Wabanakis two canoes, and bring them to the house of M. Marchisseaux.

184 On the 12th day of May, at one o'clock in the morning, took leave of my mother, who pressed me to take supper, but my heart was too full to permit me. I had, at the time, a presentiment of what in reality took place before I again returned. I withdrew amidst a burst of tears, accompanied by theirs. I proceeded to St. Francis, to take the canoes; and arrived at Montreal on the 15th of May, at noon. On the 16th, I received orders to go and conduct the equipages to LaChien, where the waters from the north detained us till the 27th. On the next day we set out, and encamped at the lake of Two Mountains on the 28th. Our canoes were loaded too heavy. Our bourgeois (a term in general use among voyageures for the master or proprietor of the adventure) was obliged to get a third to lighten us. We continued our route in safety, and with little detention. The water was, however, so high as to compel our bourgeois to engage two more hands; one of them deserted during the following night.

We arrived at Mackinac on the 28th of June, and remained there until the 15th of July. * * * We continued our route towards LaBaye (Green Bay) with the intention of passing by the way of Prairie des Chiens, where we sojourned two days. On the third, being now en derive, we encamped at the Sauk village at Hurkey
185 river, about sunset; M. Marchisseaux being necessitated to pass there, instead of the direct route from Mackinac to St. Louis by way of the Illinois, in order to collect his credits from the Indians. We continued our route, and passed St. Louis during the night, fearing a seizure from the Spaniards, who did not, at that time, suffer any person to import merchandise into Louisiana from Great Britain. We arrived at Kaos, then under the British government, on the 11th of August. M. Marchisseaux hired two apartments in the house of M. Soucier, in the village, to establish a store of Franch goods, and sold off his Indian goods to M. Choteau, merchant of St. Louis, who equipped on the Missouri, at an advance of 137½ per cent., payable in peltries; namely, beaver at one dollar per pound; otters at one dollars and fifty cents; raccoons at twenty cents; bears at two dollars; deer skins at fifty cents each; and in the same proportion for other furs."

* * * * * *

On page 355:

"That year there were a number of gentlemen from Montreal, who had stores at Cahokia; namely, Messrs. James Grant, Meyers, Tabeau, and Guillon, who had but little business, on account of their having arrived too late.

* * * * * *

About the 15th of April, the packs from the Missouri arrived. Our bourgeois settled his accounts with Mr. Choteau, and received seventy-four packs of furs. His retail store at Cahokia produced 600 Spanish dollars, and 400
186 pounds of tobacco. We left Cahokia on the 4th of May, for Mackinac directions were to pass by Chicago, having one barge and one canoe, and to await the arrival of M. Marchisseaux at Little Detroit, in Lake Michigan, he having gone by way of Prairie des Chiens, to terminate his business with the Sauks. After fourteen days' detention, he arrived, and continuing our route, we reached Mackinac the beginning of July, where I found myself at liberty."

Professor Alvord (continuing): Mr. Perrault was an

Indian trader, that is, a trader for furs, and was well known
for many years throughout the west. He was a prominent
man later in Canadian history, and his family is living there
today. He was of French nationality, trading under the Brit-
ish government within the territory which became by the
treaty of peace in 1783 United States territory. As to the
other references or accounts of similar trading by British
187 traders from Canada, I would say that in Volume 2 of
the Illinois Historical Collections, Virginia Series, Vol-
ume 1, Cahokia Records, edited by myself, there are contained
the records of the court established in Cahokia by the State
of Virginia after that territory was occupied by the Virginia
troops, under George Rogers Clark. The records show that
during the closing years of the Revolutionry War, and years
following, there were many English merchants trading at
Cahokia. In fact, there was what was known as the English
Store there. These English merchants being able to buy their
goods cheaper than the Americans were usurping the trade
much to the disgust of the local dealers, and complaints were
made to the Court against them, ineffectively. This trade
188 by the British merchants continued until after the War
of 1812, the British merchants of Canada practically
monopolizing the trade of the Great Lakes region and the
Illinois country.

Same objection and on additional ground the records speak for themselves.

The manuscript now shown me is entitled "A Journal of a Voyage made by Hugh Heward, to the Illinois Country." This is a transcript belonging to the Chicago Historical Society, and the correctness of which has been authenticated as follows:

"State of Illinois, }
County of Cook. } ss.

I, Caroline M. McIlvaine, being first duly sworn, on oath state that I am the librarian of the Chicago Historical Society, and that in the course of my duty as such librarian, I have personally compared the above and foregoing twenty-seven pages of Hugh Heward's manuscript with the original of said manuscript which was loaned to me by Clarence M. Burton of Detroit, Mich., and I do further certify that the above and foregoing is a true and correct copy of said original manuscript.

CAROLINE M. MCILVAINE.

Subscribed and sworn to before me this 7th day of November A. D. 1910.

EDWARD J. CROCKER,
Notary Public."

189 The original manuscript is in the possession of Clarence M. Burton of Detroit, Michigan, who possesses besides this a great many of Hugh Heward's manuscripts and manuscripts of a gentleman named John Askin closely associated with Hugh Heward in the trade of the Illinois country. The original manuscript is in a handwriting which upon comparing with the handwriting of Hugh Heward, appeared to me to be that of Hugh Heward himself. I have examined the original myself. It is regarded among historians that this manuscript in the possession of Mr. Burton of Detroit is the original manuscript of Hugh Heward.

Hugh Heward was a subject of Great Britain and engaged in the fur trade with other British merchants of Detroit, extending operations in various directions over the Great Lakes and down the Illinois country.

190 This manuscript is a diary describing a journey from Detroit to Cahokia which he took from Detroit through the Great Lakes and down to the southern end of Lake Michigan and describes his route the rest of the way, down the Chicago and down the Desplaines and down the Illinois river, finally reaching Cahokia. It is dated during the spring of 1790.

Hugh Heward was one of the British merchants who continued this trade after the treaty of peace was signed.

Whereupon the said manuscript was offered in evidence.

Objected to on the ground that there was no evidence showing that the original is a document entitled to be received in evidence; and that there is no evidence of the authenticity of the original; and that the matter is incompetent, immaterial and irrelevant.

Said portion read was as follows:

(Heward MS.)

"Sunday May 9, 1790. Wind at southwest inclining from land. Loaded and set off. Our course in a bend nearly norwest. Strong wind from south southwest, but we recover a little, it being off the land. Arrived at

Grand Calmanuck and afterwards at Little Calmanuck,
191 the course norwest. From there arrived by a north course under sail at Chicago, under reefed sail, the wind blowing strong and in blasts. Missed the entrance of the river and were obliged to go about a mile past to land.

Monday, May 10, 1790. Slept at Point Sables. Entered with the Cannots, and began to hull corn and bake bread and arrange everything for next morning. Left the Cannots at Point Sables and took his fur robe. Bought of him forty-one lb. flour, baked in break for 25 and 29 lb. pork at 2/8, the whole amounting to £ %-10-8, and paid him with 13 yards 4/4 cotton.

Tuesday, May 11, 1790. Engaged five Indians to help us over the carrying place with pirogue and paid them with two handfuls of powder. Duarrier this morning very saucy and abuseful about getting salt. I promised to requite him for it. A showery day, and wind at west. Carrying place about one half mile. Got over nearly at midday. From thence passed in the run and small lake to the river DePlain, and course turning nearly southwest. A very wet afternoon and heavy thunder. Arrived at the river DePlain, said to be 15 miles, and encamped.

Wednesday, May 12, 1790. Set off from the river DePlain which runs from the north. Our course down the Illinois River southwest past Lacroix and after Les Arbre—and a pass that goes in a small lake to the southeast and by this pass it is said to be three leagues to Little Calmanuck on the lake. This about eleven o'clock. Passed the Petit and Grand Toxsil and afterwards the long rapids and came to the village of Mount Juiliette,
192 course southwest. High hill at west resembling Fort Larnoult at Detroit. Passed afterwards the lake following. Here Maurice informed me not to be surprised, that there was so much danger he would not return with me. Lomre said he was to make the voyage with him, and if he did not return, he would not.

Thursday, May 13, 1790. Finding the goods not dry enough, and very warm weather coming on, remained to dry them better in the afternoon. Threatened rain. We were obliged to take them in.

Friday, May 14, 1790. Remained and finished drying the goods and packed up. Belhumor, a Frenchman settled among the Indians, stopped to pass the village at the forks with us. Cool night and heavy thunderstorm.

> Saturday, May 15, 1790. Loaded and set off. Passed the village at the forks. The chief and village in feast and good humor. Gave him little tobacco and powder and he said he should be ready to assist me. Bought five sacs of corn for four shirts and powder, and paid Belhumour with powder. He was contented but begged two white shirts on credit till my return, which I gave him. He lent me his dog and a tea kettle, and gave me nine eggs and a leg of venison. Passed the entrance of the river Teskekie about midday and from here arrived at the rapid of DemiCharge or rapid of (word undistinguishable) ten leagues from Theakekie carried over part and passed the pirogue. Came at the bottom. Elegant land with plum trees, oak, hickory, and so forth. Small sides, high banks." 193

PROFESSOR ALVORD (continuing): The document which is now shown me is entitled "Early Days of Peoria and Chicago, an address read before the Chicago Historical Society at a quarterly meeting held January 19, 1904, by David McCulloch," which bears the seal of the society.

David McCulloch was a resident of Peoria, very much interested in the Peoria Historical Society and the local history of Peoria and the relation of Peoria to Chicago, and this address which was delivered by request to the Chicago Historical Society was delivered at the quarterly meeting on January 19, 1904. David McCulloch settled in Peoria April 22, 1853. He was elected circuit judge of the eighth circuit and held office until 1885. He was president of the Peoria Historical Society. He was regarded as being the best equipped of the local Peoria historians, and the Chicago Historical Society regarded his work in local history of sufficient importance to ask him to give them a lecture.

> Writing objected to on the ground that it is not admissible in evidence and that the standing and reputation of Mr. McCulloch as shown by the testimony was not sufficient to entitle the document to be read in evidence.

Mr. McCulloch is dead.

Whereupon the said passage was read into the record, as follows:

> Early Days, etc., McCulloch, p. 92:
>
> 195 "In May, 1790, Hugh Heyward (a copy of whose journal is in the possession of this society), made a trip to the Illinois country, reaching the Chicago River on the 10th of

that month, where he found Point de Saible living on the sands. In his journal of the day following he says: 'Slept at Point Sables with the canoes and began to hull corn and bake bread; arranged everything for the next morning. Left the canots (canoes) at Point Sables and took his porouge; bought of him 41 lbs flour and baked bread 25 & 29 lbs pork at 2-8, the whole amounting to 5 pounds 10s & paid him with 13 yds 4-4 cotton.' According to this account Point de Saible must have been a trader, selling farm produce to the voyageurs and purchasing dry goods from them in return. The prices seem to have been better in those days than on the Board of Trade of today, even in times of a corner in wheat or pork.

Heyward proceeded on his journey by way of the portage and the Illinois River to Peoria, where he found a few Frenchmen living among the Indians, one of whom was Captain May, doubtless Jean Baptiste Maillet, whose name in French is said to have a sound much resembling May or Mai. He had derived his title of Captain from his having had command of a company of French militia raised at Peoria during or after the war, for which services he was afterwards awarded a donation of one hundred acres of land."

196 The fact that Mr. McCulloch makes use of the Heward manuscript as authentic, in view of the position which he held as judge and president of the Peoria Historical Society would have weight owing to the fact that Judge McCulloch was interested directly in that sort of history and had investigated the material bearing upon or illustrating that phase of the history.

197 I have made an examination of the Heward account
198 from the standpoint of a historian for the purpose of weighing it. In general historians would regard a diary of this sort which purports to be kept by a man going from one place to another, and wherein there is no discoverable motive for deception, as the best evidence of the fact that the men actually journeyed along the line that he had so designated. There is in this manuscript no evidence that he wished to deceive anybody as to the way he went or the method of his journey. On the face of it it is the diary of a trader and his motive is that of a trader, and he does trade as he goes along the journey, and he is carrying merchandise to a point where he expects to dispose of it. I see no possible purpose for deception.

199 On being asked the question, "Do you know of your

own knowledge whether or not any historical societies or any compilers of history look upon this account of Heward's as a writing entitled to historical weight,"

Which question was objected to as incompetent, immaterial and irrelevant and called for conclusions of the witness and for evidence of hearsay character,

the witness replied: Yes, Mr. Abbott, editor of the Magazine of History, requested me about two months ago to edit this diary for his magazine; and more recently the Chicago Historical Society has officially requested me to edit this diary for them and to deliver a lecture before some meeting of the society upon Hugh Heward and his journey.

On being asked the question as to what are the facts with reference to the Northwest Company, a general objection to all evidence of this character was made as not being competent to be proved in this way.

Whereupon Professor Alvord answered as follows: The Canadian merchants, for the most part Scotch merchants living in Montreal, from the time of the passage of the Quebec Act for a few years conducted the trade in the lake region independently. They found that the competition which re-
201 sulted therefrom was not beneficial to their trade, and they therefore began making companies for the purpose of uniting several independent traders into one concern. The first attempt was about 1780 when the company that had its headquarters at Mackinaw, and was called the Mackinaw Company, was formed. This lasted only a very short time when the company, which was to win a very great deal of fame, the Northwest Fur Company, was founded.

Into this there entered almost all of the independent fur traders of Canada trading in the lake region and in the territory of the United States. The company became very famous and was the great rival of the Hudson Bay Company. The Hudson Bay Company of course traded for the most part in the Canadian northwest, and around the Hudson Bay region; whereas the Northwest Company traded south of that region, but entered also into territory that was controlled by the Hudson Bay Company. For years, the Northwest Company monopolized the fur trade of the Great Lakes and the Illinois, and their traders were found in St. Louis and around the Missouri river. They exploited this fur bearing territory far more completely than had ever been done by the French. Their control of the region lasted until after the close of the war of

1812, when the American Fur Company became their successors in the control of the trade in this region.

202 I am familiar with what are known as the St. Clair Papers.

The book which is now shown me is entitled "The Life and Public Services of Arthur St. Clair. Soldier of the Revolutionary War; President of the Continental Congress; and Governor of the Northwestern Territory, with his correspondence and other papers, arranged and annotated by William Henry Smith, Volume 2, Cincinnati, 1882." This is a book of known character and accuracy and is so regarded by historians who have used it to study the correspondence and papers of Arthur St. Clair.

Arthur St. Clair came to this country and served in the British Army during the French and Indian War. At the close of that war he took up land in western Pennsylvania, where he became very familiar with the western situation, because just before the outbreak of the Revolutionary War, Virginia and Pennsylvania were struggling for the possession of the forks of the Ohio, both Colonies claiming them. They also were extremely interested in the question of the further settlement of the western territory. Arthur St. Clair was the official
203 of Pennsylvania that represented that Colony in this dispute with the Virginia colony. At the outbreak of the Revolutionary War he entered the army and became a general in the Revolutionary Army. He was a close associate of General Washington. He afterwards became President of the Continental Congress and was the President of that body when it passed the Ordinance of 1787. He was then appointed Governor of the Territory northwest of the river Ohio, which territory was formed by the United States, and it was under his administration that the first settlements in the northwest territory made by the Americans were laid out. He was instructed by Congress, and by the President, George Washington, to investigate the whole situation in the Northwest, and particularly to investigate the situation with regard to the fur trade and the use of American territory by British merchants.

The report just referred to commences on page 164 and is entitled "Governor St. Clair to the President. Report of Official Proceedings in the Illinois Country from March 5th to June 11th, 1790". In that report I find a portion which bears upon water routes between Lake Michigan and the Mississippi river.

Whereupon the said passage was read into the record, as follows:

(2 The Life, etc., of St. Clair, 174.)

204 "The commerce of the Illinois country is of some importance in itself, but more so when considered as connected with the Spanish side of the Mississippi. The villages on that side of the river having been originally settled by the French, and under the same government as that part which is now in the possession of the United States, the connection between them is still very intimate, and favors a commercial intercourse which, though illicit, might be carried on by the citizens of America without risk. It is carried on at present without risk, but is, unfortunately, almost entirely in the hands of the British. Even much the greatest part of the merchandise for the trade of the Missouri River is brought from Michilimackinac by that of the Illinois, partly by the Spanish subjects themselves, and partly by British traders. The manner is this: The Spanish subjects either introduce them at once in consequence of a secret connection with their commandants or they are brought down to Cahokia and landed there, and afterwards carried over to St. Louis, as oppor-
205 tunities can be found. What is brought by the British traders, the Spanish subjects purchase and pay for on the American side, taking all the risk that attends the introducing them into their own country upon themselves. The furs in which these goods are generally paid for (deer skins answering better than furs at the New Orleans market), are carried to Canada by the same communication, that is to say, up the Illinois river, up the Chicago, and from thence by a small portage into Lake Michigan, and along that lake to Michilimackinac; or from the Chicago up the river Au Plain, and by a portage into the same lake.

In the spring of the year the waters of the Michigan and the Chicago rise each to such a height that the intermediate space is entirely overflowed, and is passable by the vessels in use there, which are bark canoes, but which carry a very considerable burden, and are navigated by three or by five persons."

Professor Alvord (continuing): The book which is now shown me is entitled "Voyage Dans L'Amerique Septentrional by the late General Collot, Ex-Governor of Guadeloupe Tome Premier Paris, 1826."

206 Collot was a French general and writer who was very well known at the close of the 18th century. He was Governor of Guadeloupe and at the close of his service there came to America and made a journey through western America, as so many other Frenchmen did, in the interest of France, which country at that time was looking for some advantage to itself in the west. Collot has the reputation of being a very careful observer and the maps which have accompanied this publication were among the best of the time. The volume was issued in England and France, the English translation being as authoritative as the French original edition; in fact the atlas that accompanied these works was only printed with the English edition. The volume I have here is the French edition, but the translation which will be introduced into the record is from the English edition.

I have taken occasion to compare the translation with the original and the translation is correct. The first passage is from page 325 in the French edition and on page 249 of the English edition, as follows:

Page 249:

> "There are, moreover, strong conjectures that the Lakes Michigan and Superior emptied their waters formerly into this river (Mississippi). The evidence for this conjecture is, that when the waters are high, boats carrying from fifteen to twenty thousand weight pass
> 207 from the Illinois river to the lake Michigan, without portage, by traversing a marsh which joins the sources of the river Illinois with those of the river Chicago which now discharges itself into the lake Michigan."

Page 257:

> "the second by ascending the Illinois river and gaining by Chickago the sources of the river Kennomick (Calumet) which empties itself likewise into the same lake; this may be effected in high waters without carriage, by traversing a marsh where there is four or five feet of water."

Professor Alvord (continuing): The book now shown me is entitled "A Topographical Description of the Western Territory of North America, by Gilbert Imlay, A Captain in the American Army during the War, and Commissioner for laying out lands in the Back Settlements. London. 1797."

208 I am familiar with this writing as a work of history. It is regarded by historians as one of the best contemporary accounts of the west and has been used again and again

by historians in their work. Imlay was in the west prior to the preparation of this book. He emigrated to Kentucky and was deputy surveyor of Louisville. He wrote those letters which are contained in this book while he was in Kentucky. I find a reference to the Chicago-Desplaines portage and to the river route between Lake Michigan and the Mississippi river, on page 71.

Whereupon said passage was read into the record, as follows:

(Imlay, Topo. Desc. p. 71):

> "I have mentioned that it is about 230 from the mouth
> of the Ohio up the Mississippi to the mouth of the Mis-
> souri and about 20 from thence to Illinois, which is navi-
> gable for batteaux to its source. From thence, there is
> a portage only of two miles to Chicago, which is also
> 209 navigable for batteaux to its entrance into Lake Michi-
> gan, which is a distance of 16 miles. This Lake affords
> communication with the river St. Lawrence, through Lake
> Erie passing Niagara by a portage of 8 miles. The lakes
> Erie and Michigan are navigable for vessels drawing 6
> and 7 feet water. This is one of the routes by which the
> exchange of commodities between the northern and south-
> ern parts of this empire will be facilitated."

Concerning Volume 12 of the Wisconsin Historical Collections, which is now shown me, I have already testified with reference to the manner in which it has been prepared and the reliance to be placed upon it in making historical investigation. On page 133 is an article entitled "Robert Dickson, the Indian Trader. By Ernest Alexander Cruikshank."

Robert Dickson was a Scotchman who emigrated to Canada
after the American Revolution. He became a trader in the
Northwest Fur Company and was used as the agent in com-
munication between the Spanish Governor of Louisiana and
the Governor of Canada. He was well known as a fur trader
and discoverer. During the War of 1812 he led a band
210 of Canadians and Indians against Mackinaw, which he
captured. He was, in 1813, made agent for the Indians
west of the Mississippi river. In fact, during that war, he
and his band reached the Mississippi river in southern Wis-
consin. He was trading in the Northwest until about 1823.
On page 134 there is "A letter from Robert Dickson to the
Hon. Robert Hamilton of Queenston, describing the usual
routes of trade between Mackinac and the Mississippi, dated
Mackinac, July 14, 1793, probably written at Simcoe's re-

quest." I find there a reference to the different water routes between Mackinac and the Mississippi.

Whereupon the said passage was read into the record, as follows:

(12 Wis. Hist. Coll. 134):

"The communication between Mackinac and the Mississippi" he stated, "is carried on by two routes, the one by Chicago, the other by the Fox and Ouisconsin rivers, the latter is preferred on account of the shortness of the carrying-place. Leaving this place, the navigation is difficult for the course lies on the north side, owing to shoals, until the Traverse at the entrance of the bay is reached. The land is poor and barren on the north side of the Lake until near LaBays where the soil is excellent and the seasons are early. Here it has long been settled from Canada by people who sow a little grain and have about 100 cattle which run in the woods."

211 Thereupon counsel for the government introduced into the record extracts from a "Treaty of peace between the United States of America and the Tribes of Indians, called the Wyandots, Delawares, Shawanoes," etc., the same being found in Volume 39 of the Senate Documents at page 39, which extracts were as follows:

"Treaty with the Wyandot, etc., 1795.

A treaty of peace between the United States of America and the Tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chipewas, Putawatimes, Miamis, Eeel-river, Weea's, Kickapoos, Piankashaws, and Kaskaskias.

To put an end to a destructive war, to settle all controversies, and to restore harmony, and a friendly intercourse between the said United States, and Indian tribes;

212 Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes above mentioned, and the said tribes of Indians, by their Sachems, chiefs and warriors, met together at Greeneville, the headquarters of the said army have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes." * * *

Omitting now from Article I to the middle of Article III.

"And for the same consideration, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land, to wit.

* * * * *

(14) One piece of land six miles square at the mouth of the Chikago river, emptying into the southwest end of Lake Michigan, where a fort formerly stood.

(15) One piece twelve miles square at or near the mouth of the Illinois river emptying into the Mississippi.

(16) One piece six miles square at the old Piorias fort and village, near the south end of the Illinois lake on said Illinois river. * * *

213 And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned.

* * * * *

Again, from the mouth of Chikago to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi. * * * And the said Indian tribes will also allow to the people of the United States the free use of the harbors and mouths of rivers along the lakes adjourning the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety. * * *

In testimony whereof the said Anthony Wayne, and the sachems and war chiefs of the before mentioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States, northwest of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five."

214 **Professor Alvord** (continuing): In Volume 18 of the Wisconsin Historical Collections, at page 458 there appears a letter from one Prideaux Selby to Peter Russell. Prideaux Selby, according to Note No. 80 was "Assistant secretary of the Indian Department at Detroit from 1790 to the evacuation. He then removed to Sandwich, where he remained until his headquarters were removed (1807) to York. In 1812 he was a member of the council of Upper Canada." The passage appears on page 459, and is as follows:

"That the Barrier which the United States presents is of so high a consideration unless the people of Kentucky and of the Ohio should join our Enemies or permit them to pass unmolested through their North Western Territory, little danger to this Province is to be apprehended by that Rout. But that the water communication by the Ouisconsin to Lake Michigan (except an inconsiderable carrying place between that and Fox river) opens an easy passage for the introduction of Troops and all manner of stores either by the way of Chicago or Missilimackinac.

That the route by the Illinois river tho' much nearer, does not afford such advantages for bringing forward
215 supplies as the Ouisconsin, and altho' in the Spring of the Year the waters are always high by the dissolving of the Snow and frequent rains at that season, yet it is presumed the swelling of the Illinois may have subsided before an army could be in readiness to take the advantage of that circumstance and it must be observed also that there are many interruptions on this communication such as Rapids and Shallow waters. The Ouisconsin therefore appears their most (best) rout as it is the easiest and most secret as well from its distance from any body of Traders as from the little intercourse we have with the Indians inhabiting that part of the Country.

Whereupon counsel for the government offered in evidence a communication from Albert Gallatin, Secretary of the Treasury to the Senate on April 6th, 1808. The document is found on page 724 American State Papers, Documents, Legislative and Executive of the Congress of the United States, from the First Session of the First to the Second Session of the Tenth Congress, inclusive. Commencing March 3, 1798, and ending March 3, 1809. Selected and edited, under the Authority of Congress, by Walter Lowrie, Secretary of the Senate, and Walter S. Franklin, Clerk of the House of Representatives. Published by Gales and Seaton, 1834; the document being dated April 4, 1808, and being communicated to the Senate April 6, 1808; which passage so offered in evidence, was as follows:

216 "III. Niagara.

The fall from Lake Erie to Lake Ontario has already been stated at four hundred and fifty feet. A company had also been incorporated by the State of New York for the purpose of opening a canal at this place; but it does not appear that anything ever was attempted after the survey had been made. The intention seems to have been to open a canal navigation for boats only from Fort Schlosser to Devil's Hole; the lake itself and Giles's creek would have supplied the water, and the expense was estimated at four hundred and thirty-seven thousand dollars.

It is, however, evidence that the canal, in order to be as eminently useful as the nature of the undertaking seems to require, should be on such scale as to admit vessels which can navigate both lakes. Considering the distance which is that case must be extended to about ten miles, and the lockage of four hundred and fifty feet, it is not believed that the expense can be estimated at less than one million of dollars.

* * * * * *

The papers relative to these communications will be found under the letter B. But their utility will not be confined to the extensive navigation of the lakes them-
217 selves; for the mountains being completely turned when arrived into Lake Erie, the ridge which separates the waters emptying into that and into Lake Michigan, from the northern branches of the Ohio, and from the waters of the Mississippi, is of a moderate elevation, and is gradually depressed in its course westwardly. There is no doubt of the practicability of opening canals, at a future period, between several of those waters, either by selecting proper levels, or by means of short tunnels across favorable parts of the ridge. It will at present be sufficient to point out the principal communications now in use.

* * * * * *

The Illinois river, which empties into the Mississippi above St. Louis, rises in a swamp, which, when the waters are high, affords a natural canoe navigation to the sources of Chicago creek, a short stream, which falls into Lake Michigan at its southern extremity.

Another communication generally used by the Indian traders is that from Green bay, also in Lake Michigan, to the Mississippi by Fox River and the Wisconsin. Nor is there any doubt that, if the inland navigation between the North river and the lakes was completely opened, the whole Indian trade either of the Mississippi by Lake Michigan, or of the northwest by Lake Superior, must necessarily center in an Atlantic port of the United States

218 —a consideration of minor importance as a commercial object, when compared with the other advantages of that great communication, but of great weight in its relation to the political intercourse of the United States with the Indians."

PROFESSOR ALVORD (continuing): Thomas Forsyth was a fur trader; he was born in 1771 at Detroit and entered into the Indian fur trade in 1793. In 1809 he settled at Peoria; two years later he was Justice of the Peace of St. Clair County. In 1818 he became Indian Agent for the Missouri Territory. He was very familiar with the whole region of Illinois and the countries bordering on the Mississippi, both as a fur trader and afterwards as Indian Agent. He died in 1833. These papers are now in the possession of the Wisconsin Historical Society and form one of their most valued collections.

Whereupon counsel for the government offered a certified copy of a portion of one of the Forsyth papers.

Defendant's counsel objected to its introduction in evidence, as incompetent, irrelevant and immaterial; and because only part of the document was offered.

Counsel for the government then stated that if the entire document was desired by counsel for the defendant, the same would be furnished to counsel.

Whereupon the said copy was read into the record as follows:

(Forsyth Papers—Wis. Hist. Soc.):

219 "Reuben Gold Thwaites, secretary and superintendent of the State Historical Society of Wisconsin, at Madison, Wisconsin, being duly sworn, testified that the following is a true and correct copy from a manuscript which has for many years past been in the possession of said society, entitled 'Memorandum of distances as computed by voyagers, 1814,' and recognized by comparison to be the handwriting of Thomas Forsyth, who was for many years (including the said year 1814) the United States Indian Agent at St. Louis and elsewhere in the West; further, that the press-mark of said manuscript in the library of the Society, is '1T42,' and is one of a collection known as 'Forsyth Papers.' Following is all of that portion of the manuscript that has reference to distances on the Illinois and Des Plaines rivers:

220 Distances from St. Louis to Peoria and from thence to different parts of the County as Computed by travellers.

From St. Louis to mouth of Missouri	18
to Portage de Sioux	9
To Mouth of Illinois	9
to Yellow banks or Movez Terre	84
to mouth of Sangamon	48
To Peoria now Fort Clark	72
	240
from Peoria to end of Lake	21
to Crow Prairie	24
to Prue's Marsh	15
to mouth of Vermillion the commencement of the rapids	30
to mouth of Fox River	18
to Coal bark	3
to falls	9
to Nettie Creek	15
to Sandy Creek	9
To Forks of Illinois River	6
	150
From forks of Illinois to Mount Julet	15
to dry trees	15
to the portage	15
across the portage	9
to Chicago	6
	60
221 Total distance from St. Louis to Chicago by water	450
but to go straight through the Prairies one third of this distance may be deducted	150
	300

(Signed) REUBEN GOLD THWAITES.

Personally appeared before me this 24th day of June, 1910, the said Reuben G. Thwaites, to me known as being the secretary and superintendent of the State Historical Society of Wisconsin aforesaid, and made oath to the correctness of the foregoing transcript and to the facts above set forth.

ANNIE A. NUNNS,

(SEAL) *Notary Public, Dane County, Wisconsin,*

Commission expires Aug. 27, 1911."

Referring now to Volume 11 of the Wisconsin Historical Collections to which my attention is directed, at page 334 there is what purports to be a letter which is contained in a letter book of Thomas Forsyth, beginning on page 316. The explanation of this letter book with a biographical notice of Thomas Forsyth is contained in note 1 on page 316, which note reads as follows:

222 "Major Thomas Forsyth had been for several years engaged in the fur trade,—on Saginaw bay, at Chicago, on an island in the Mississippi near Quincy, and at Peoria,—and had acquired much influence over the Indians of Illinois, especially the Pottawattomies, previous to his appointment as government Indian agent for the Illinois district, at the outset of the war of 1812-1815. His headquarters were at Peoria. Upon the close of the war, he served as agent for the Sacs and Foxes, closing his official relations with them previous to the Black Hawk outbreak in 1832. In Wis. Hist. Colls., vi, p. 188, will be found a sketch of his career; and in the same volume (pp. 188-219), there are given the journal of his notable voyage from St. Louis to the falls of St. Anthony, in 1819, and a letter of his to Governor William Clark, of the same year. Further biographical material may be obtained in Scharf's Hist. St. Louis, pp. 1293, 1294; Reynold's Pion. Hist. Illinois (ed. 1887), p. 247; Hurlburt's Chicago Antiquities, pp. 469, 470, and miscellaneous references in Washburne's The Edwards Papers. In 1868, Major Forsyth's son, Robert, permitted the Society to make a complete transcript of his father's letter-books, covering the period, 1814 to 1825. The selections given in vol. vi. of these Collections, above cited, are the only publications from these letter-books, thus far made. There are now selected such portions of the first book as refer to the war of 1812-15. They throw new light on this in-
223 teresting period of our history, and are given in this volume, wherein the British operations are so fully set forth in the reports and letters of McDougall, McKay, Dickson, and Grignon, as showing the other side of the picture—the means adopted by the Americans to keep the Illinois Indians in line with out interests and prevent them co-operating with the savage allies of England. In this important work, Forsyth's services are shown to have been of great value.—Ed."

I find on page 334 a passage relating to the use of the Chicago-Desplaines route.

Whereupon the said passage was read into the record, as follows:

"There is a good deal of talk at present in this place about the British and Indians coming down to attack our frontiers this season, but this I cannot believe, without they had a sufficiency of regular troops to garrison the different places, at this place, Ste. Genevieve, Kaskaskia, &c. It is true they might come down this season with a very large Indian Army and carry fire and sword through our frontiers, as they can at any time raise from three to four thousand Indians without including the Sioux, or the Mississippi or any of the Missouri Indians, viz.:

Saukies & Foxes amounting to 1200, deduct 200 said now to be friendly in Missouri, remains	1,000
224 Pottawattamies can furnish 1200 warriors but suppose one-half will not come if asked	600
Winnebagoes will come to a man	400
Folle Avoines will come to a man. They are Dickson's garde de corps	200
Ottawas of Lake Michigan in their birch bark canoes can be easily brought down by way of Chicago & the Illinois river	800
Kickapoos when altogether	400
Chippeways in and about Green Bay & Milwaukee, without including the Chippewas north of Green Bay and those about Sault de Ste Maria and Lake Superior	200
Total	3,600

Making an aggregate of thirty-six hundred on a very moderate calculation; nevertheless it does not appear to me that any invasion will be attempted this season, but if the reports are correct as respects Spain having declared war against us I should not be surprised if the Spaniards came down the Missouri by way of River Platte with a great body of Indians, and perhaps the British at the same time may come down from the Mississippi or Illinois River, who will also bring down another body of Indians, by which means an indiscriminate massacre must take place, for let the British and Spaniards be ever so inclined to keep the savages from killing in cool blood, it will be out of their power from the great
225 number of Indians they will bring with them."

PROFESSOR ALVORD (continuing): The Governor Cass re-

ferred to in the certified copy of certain papers of the office of Indian Affairs in the Department of the Interior of the United States Government, to which my attention is called, was Governor of Michigan and naturally interested in stopping the monopoly which the subjects of Great Britain living in Canada had of the fur trade in the lake region, and this is a letter from the Governor which will speak for itself, in which he points out what must be done in order to develop the upper
226 Northwest. As a part of that record there is a communication from John Kinzie. John Kinzie was the first English speaking citizen of Chicago, living here for a great many years. He was a hard-headed trader seeking his own commercial advantages. He knew the upper Illinois region extremely well from personal experience, and has the indorsement of Governor Cass as to his knowledge and veracity. Kinzie was settled at Chicago for the purpose of trading with the fur traders and also taking in their furs as they came to Chicago.

Whereupon there was offered in evidence a letter of Governor Cass to the Secretary of War, and the letter of John Kinzie to Governor Cass to which was attached a certificate from the Department of the Interior, certifying to their being true copies of the original.

Objected to as incompetent, irrelevant and immaterial.

Said letters so offered were read into the record as follows:

"Detreoit, June 20th, 1815.

Sir: I had intended by this time to have submitted to you a general view of the state of Indian affairs in this
227 Country and of the measures necessary to be adopted to secure permanent tranquility upon the frontiers.

But so much of my time is engaged by applications and visits from the Indians that I find it impracticable to effect this object immediately. I am only able to submit to you the accompanying propositions, which are the result of my inquiries and which is adopted will I trust cause a salutary reform in the state of our Indian Relations.

The privilege which British traders have heretofore enjoyed of carrying on a lucrative commerce with the Indians is a subject which will doubtless engage the attention of the Govt. To this source may be traced most of the difficulties we have experienced in our intercourse with them, I have every reason to believe that the Indian Department opposite to us are about to adopt the same systematick course of measures, which they have so long and

so successfully pursued but with renewed activity and increased exertion—A deputation of one influential Chief from each of the different tribes left Malden shortly since for the lower province and another follows in a few days. What their precise object is we have not yet been able to ascertain, but such enquiries are making as will soon disclose it to us. There is little doubt however of its relating to a general systematick and vigorous organization of their Indian Department. In the meantime a large quantity of goods have arrived at Malden to be distributed as presents and the Agents and subordinate officers are
228 more numerous than at any former period. These unerring indications give us timely warning that the same measures are to be adopted, the same lying system continued (pardon the epithey, could all the facts be presented to you, you would say no milder term could be used) and the same plan of filing out Indian Country with the agents and Interpreters and traders which have at all former periods kept the North Western frontiers in a state of feverish alarm.

I am aware that the Government are compelled to view the whole ground and that it may become necessary to grant to the British the privileges heretofore held among the Indians in order to secure to our Country commercial rights more important to the nation at large. It is with a view to such a possible event, that I submit these propositions to you. Their adoption will be found to counteract in a very considerable degree causes which have heretofore operated without any check—

Should it be found necessary in a treaty of commerce to make such a stipulation, the evil would be diminished by allowing to British subjects this privilege under the same restrictions it is granted to American citizens. This will secure to us the right of recalling them, when we find their machinations injurious or when their obvious purpose of trading is to cover a plan for scattering disaffection among the Indians.

There are three great channels of communication, by
229 which traders may introduce the goods into the Mississippi and Missouri Country from the British dominions. One is by the way of Chicago, and down the Illinois, Another by way of Green Bay up the Fox River down the Ouisconsin, This has been the great thoroughfare along which goods have been taken: Immense quantities have been

smuggled to the Mississippi and it is calculated that not more than one third part of those sold in the Indian Country, ever pay duties. The establishment of a post at Green Bay and at Prairie du Chien will close this line of communication. Another at Chicago will effect the same object upon the Illinois. There will, then remain a route to be taken, which has heretofore been little used, It is up a small river which enters lake Superior near the Grand Portage and along a number of small lakes with portages to heads of the Mississippi. I am informed by intelligent men that this is the only route, after closing those by Chicago and Green Bay which is practicable.

If the British traders are eventually to be excluded, a post near the Grand Portage will be necessary to effect this object, Should other considerations render their admission proper the post would still be necessary to ensure a collection of the duties and to enforce the regulations proper to be adopted, A display of the power of the United States in that remote quarter would be productive of salutary effects upon the minds of the Indians.

230 Should it be deemed proper to establish a post in that Country the previous arrangements should be made this fall, in order that we may be ready to proceed at the opening of the navigation.

I am inclined to believe if these posts are all established and proper regulations adopted at the various agencies, that British traders may be admitted without very serious inconvenience, Certain I am that their admission will not be attended with the same evils, which have heretofore been Experienced.

Mr. Jouett the Agent for Green Bay has arrived here, he has been long acquainted with Mr. Kinzie whom I recommended to you for the appointment of Agent at Chicago, I have requested Mr. Jouett to address you upon the subject.

Very Respectfully Sir

I have the honor to be Yrs. etc. etc."

Directed to Hon. A. J. Dallas, Acting Secretary of War.

(Indian Off. Bk. 204, Letter Bk, I Pens. Bldg. p. 90.)

"Detroit, 15 July, 1815.

To His Excellency Lewis Cass Esq.,
Governor of Michigan Territory.

Sir:

Taking into consideration the importance of that section

of Country, lying on the Southern extremity of lake Michi-
231 gan, to our Government, and having been upwards of
twenty years residence in that portion of United States
acquired a knowledge of its importance, I thus take the
liberty of laying my observations before you. The executive of the U. S. appear anxious to establish a peaceable and friendly intercourse with the Indian tribes, the most determinedly hostile are the Chippeway, Pottawatomies, Ottawa, of L'arbre Croche, and the Winnebago Tribes, who inhabit the country between the Southern extremity of Lake Michigan and Michillimackimac, and whose chief residence is upon Grand and Muskeegon rivers, but, who from the want of a proper supply of game, are compelled to emigrate at certain seasons to the waters of Chicago, Illinois and Fox Rivers. The hostility of those tribes is owing to their intercourse with the traders of S. W. Company, whose intercourse and of course whose policy is to render them inimical to all American traders, from what I have already said the importance of establishing a military post at or near the place of their general rendezvous will at once present itself the spot which is most important and which will possess the greatest advantages is that on which Fort Dearborn formerly stood as those tribes generally rendezvous there in the Spring consequently a garrison would be necessary to reduce trade and intercourse with them to a system and to prevent frauds and misrepresentations from the agents of another gov-
232 ernment whose interference will ever keep them hostile
to the United States—

As the navigation of those waters will in a few years become an object of great importance to the U. States as at present boats of several tons burthen can pass from Lake Michigan into the Mississippi River there being only four and half feet difference in the elevation of the two waters. Therefore it would be politick to adopt measures in due time that will secure the friendship of the hostile and fix that of the wavering. A judicious system of policy will in a few years effect more towards conciliating the tribes that are hostile than a long expensive exterminating war, an intercourse with the savages is absolutely necessary, Garrisons to protect trade and create respect for agents are equally so. Agents should act with the most impartial justice and should administer to their little wants the supplies they have been long in the habit of receiving from the British Government. While the Citizens of the U. States are kept at such a distance from these tribes, and their trade so confined from the want of the arm of protection being extended over it and the intercourse of the foreign merchants (who bear away nine tenth of that important trade) allowed the American can do no other than submit in silence or coincide with the consummate and intriguing British trader or perhaps his scalp may be paid for and he fall victim of the hatchet if he has the temerity 233 to support his country.

The only means to do away the mistaken animosity of the tribes is by the proper application of small presents to the chiefs a mild and conciliatory conduct to the nation at large and by keeping such an armed force in their neighborhood as will awe medling intruders into silence—

Chicago is all important to the Illenois Country as it is the key of communication and has command of the trade a vast territory and whose navigation serves to forward the returns of the merchant to Michillimackinac at a much lower rate than they can at present be forwarded by the Mississippi owing to the difficulty of procuring boats, The Coal and Lead mines will when protected by the arm of authority become very important to this frontier as all transportation from them may be made by water.

The calling the above named tribes to Green Bay to receive annuities or other gratuities that may be granted them by the Government, or to trade at that Factory will be attended with very little benefit unto the tribes mentioned, as the distance is great, the face of the Country one continued morass and in the winter season impassable by the traveller owing to the depth of the Snow, therefore those tribes will suffer if they have to depend on the Agency or factory at G. Bay.

The above statement you may rely is correct. Having resided many years in the Country as an individual, I have 234 combatted in trade against the whole Michillimackinac or S. W. Company and have many years employed a Vessel for my return furs to Detroit. I mention this to show you the importance of the trade of the Chicago Country if correctly managed.

I am Your Excellency's
Most obt. Servt.
John Kinzie."

The government thereupon introduced in evidence an extract from the treaty of August 24, 1816, found in Volume 39, Senate Document, No. 319, Indian Affairs, Laws and Treaties, Second Edition, Volume 2, the treaty having been concluded between Ninian Edwards and others, the commissioners plenipotentiary of the United States, on the one side, and the tribes of Ottawas and so forth, on the other side.

Said portion so offered in evidence is as follows:

> "Whereas a serious dispute has for some time past existed between the contracting parties relative to the right to a part of the lands ceded to the United States by the tribes of Sacs and Foxes, on the third day of November one thousand eight hundred and four, and both parties being desirous of preserving a harmonious and friendly intercourse, and of establishing permanent peace and friendship, have, for the purpose of removing all difficulties, agreed to the following terms:
>
> 235 Art. 1. The said chief and warriors, for themselves and the tribes they represent, agree to relinquish, and hereby do relinquish, to the United States, all their right, claim and title, to all the land contained in the before mentioned cession of the Sacs and Foxes, which lies south of a due west line from the southern extremity of Lake Michigan to the Mississippi river. And they moreover cede to the United States all the land contained within the following bounds, to wit: beginning on the left bank of the Fox river of Illinois, ten miles above the mouth of said Fox river; thence running so as to cross Dandy creek, ten miles above its mouth; thence, in a direct line, to a point ten miles north of the west end of the Portage, between Chicago creek, which empties into Lake Michigan, and the river DesPlaines, a fork of the Illinois; thence, in a direct line, to a point on Lake Michigan, ten miles northward of the mouth of Chicago creek; thence along the lake, to a point ten miles southward of the mouth of the said Chicago creek; thence, in a direct line, to a point on the Kankakee, ten miles above its mouth; thence, with the said Kankakee and the Illinois river, to the mouth of Fox river, and thence to the beginning: *Provided, nevertheless* That the said tribes shall be permitted to hunt and fish within the limits of the land hereby relinquished and ceded, so long as it may continue to be the property of the United States.
>
> 236 In witness whereof, the said Ninian Edwards, William Clark and Auguste Chouteau, commissioners aforesaid,

> and the chiefs and warriors of the aforesaid tribes, have hereunto subscribed their names and affixed their seals, this twenty-fourth day of August, one thousand eight hundred and sixteen, and of the independence of the United States the forty-first."

Then follows the signatures.

PROFESSOR ALVORD (continuing): The book which is now shown me is entitled "A Tour From The City of New York to Detroit, In the Michigan Territory, Made between the 2d of May and The 22d of September, 1818, by William Darby, Member of The New York Historical Society. Author of a Map and Statistical Account of Louisiana; and Emigrant's Guide. New York, 1819."

William Darby was a very well known writer of that period, published quite exclusively. He was a surveyor and was employed in 1818 by the United States and commissioned to run the line between Canada and the United States. Pre-
237 vious to that he had lived for many years in Louisiana,
and it was after his residence there that he published his statistical account of Louisiana. He was particularly interested in opening up the trade of the West and was regarded by contemporaries as one of the authorities on the possibility of western trade. He was very much interested in the opening up of the Erie Canal, which was to assist New York in getting her share of the western trade; and for similar reasons those merchants of New York that were interested in securing the trade, corresponded with him and talked with him about the possibilities of extending their trade farther westward, so that he investigated the conditions of the far west with the purpose of advancing the trade of the eastern colonies.

He himself was very broadminded, he did not feel that the opening up of the west should depend upon the interests of any particular state such as New York, but that the interests of all were the same; that the advantages which might accrue from opening up water routes into the west or road routes, must be based upon the common interests of all the people of the United States and the people of the west.

I find in that book a reference to the river route by way of the Chicago and Desplaines river in addenda No. 2 page xxvii.

Whereupon said passage was read into the record as follows:

(Darby's Tour. Add. No. 2, p. xxvii):

**"The foregoing correspondence and extracts, contains
238 the substance of my own personal observations, and such**

explanatory matter from others, as I could collect during my tour, and since its termination; I cannot, however, take leave of the reader, without claiming his patience during a recapitulation, and an examination of some extraneous matter, which was not included in my original letters, though of some importance to elucidate the topography of the country over which I ranged. I am aware that such productions as mine; where few personal incidents are introduced, must draw their interest from the geographical information they may contain. It has been my endeavor to throw as much light as in my power, upon the natural structure, and present improvements of the tract over which I ranged; how far I have succeeded, is now before the reader. There is one object of general interest, upon which more is perhaps expected from me than I can fulfill; that is, the Grand Canal now in progress in the state of New York. On the subject of this truly great work, I have been careful to collect all the information I could procure, and have now presented the result to the public. Not having visited Ballston or Saratoga Springs, I addressed a letter to the Rev. Reuben Sears, desiring that gentleman to give me such information as he possessed, respecting these places of public resort. Mr. Sears very politely and satisfactorily replied to my letter; his answer I have annexed to this Addenda, confident that it contains much valuable statistical matter.

239 In my letter to Mr. C. C. Haines, I have explained my views of the connexions that nature seems to have designed between New York and Pennsylvania, and can add but little in this place to what I then stated. From the demonstrations I have given of the true respective levels, between the head waters of the branches of Ohio river and those which flow into lake Erie, the formation of water communication between these streams must be attended with great difficulty. We will now proceed to examine some of the various intended channels of intercommunication between the Mississippi and St. Lawrence vallies, and also the routes of the two New York canals.

No doubt now remains, but that the Chicago and Illinois rivers, afford by far the most eligible natural connexion between the northern and southern waters of the United States. It appears that the great spine running from the Hudson to the Maumee river, terminates at, or

is interrupted by the valley of the Illinois. The latter stream is formed towards its source by two branches, one of which rises south of lake Michigan and the other (river Plein,) rises in the flat country west of the Chicago and flowing south, unite to the south-west of the extreme south part of Michigan. The Chicago heads in the same plain with the river Plein, and winding for some distance parallel to the latter stream, thence turns east, falls into
240 lake Michigan. The Chicago and Plein intermingle their sources, and afford one of those instances where rivers have their sources in plains, so nearly approaching the curve of a real sphere as to leave for the discharge of the waters scarce inclination sufficient to determine their courses. This is the case with the two rivers we are now reviewing. The precise descent of the Chicago, from its nearest approach to the Plein, to the level of lake Michigan has never been ascertained, but it is known to be without falls, or even rapids. The Plein also flows with a very slight current, and the two streams present almost a strait between the Mississippi river and lake Michigan."

At this point there is the following foot note:

"The following interesting notice, decides the long contested problem of a natural water communication between the waters of the St. Lawrence and Mississippi rivers, and contains also some other items of valuable information.

From the St. Louis Enquirer.

Communication with the lakes.—Messrs. Graham and Phillips, commissioners on the part of the United States, and Mr. Sullivan, surveyor, have set out to lake Michigan, to mark the boundry lines of the lands ceded to the United States by the Ottawa, Chippewa, and Pottowattima Indians in the summer of the year 1816.

241 They will run a line from the southern extremity of this lake to the Mississippi.

The Indians have ceded to the United States, what lies to the south of this line.

The commissioners will run two other lines from the southwestern part of lake Michigan, to the Illinois river. The lines will be parallel to each other, and twenty miles apart. They will begin in the shore of the lake, at points ten miles north and south of Chicago, and will embrace the little rivers Chicago and Plein, and the carrying place between them, which form the channel of communication between lake Michigan and the Illinois river. The Indians have ceded to the United States this important pass, with ten miles of country on each side of it, and it is the business of the commissioners to mark out the limits of the grant, that the American government may reduce it to possession.

The communication between the lake and the Illinois is a point which will fix the attention of the merchant and the statesman. They will see in it the gate which is to open the northern seas into the valley of the Mississippi, and which is to connect New York and New Orleans by a water line which the combined navies of the world cannot cut off. Never did the work of nature require so little from the hand of art, to complete so great a design!

The lakes Superior, Huron, and Erie and Ontario, lie
242 from west to east, in the direction of the St. Lawrence, manifestly seeking their outlet through the valley of that river. But the Michigan departs from that direction; she lays from north to south. United to the other lakes by a strait, she stretches the body of her water down towards the head of the Illinois river, as if intending to discharge herself through that channel into the Mississippi. And no hills or mountains intervene to prevent the conjunction, on the contrary, the ground between is flat, and covered with ponds in wet weather, which turn their waters partly to the lake and partly to the river. The Chicago and the Plein are the drains from these ponds; they have neither falls nor shoals; they have not the character of streams, but of canals; the water hardly moves in their deep and narrow channels. The Illinois itself is more a canal than a river, having hardly current enough to bend the lofty grass which grows in its bed. The French of Canada and of the valley of the Mississippi have communicated through this channel since the settlement of the countries. In high water, boats of ten or a dozen tons, pass without obstruction. In dry season, they are unloaded, placed on vehicles, and drawn by oxen over a portage of a few miles, and launched into the river or lake, as the course of the voyage may require. Hundreds, nay thousands of boats have been seen at St. Louis, which had made a similar passage.

243 The land contiguous to this important pass, was ceded

to the United States, by the savage tribes who formerly possessed the right of soil. The land thus ceded, is now about being surveyed, and in course will ere long be sold to individuals and settled. The development of the natural resources of this region, will be disclosed with the ordinary celerity, that marks the newly established settlements in our western world.

The course of lake Michigan contributes in some measure to diminish the natural advantages of its connexion
244 with the Illinois. The mouth of the Calumet river, or southern part of Lake Michigan, is near N. Lat 42; whilst the straits of Michilimakinac is about 45°, 40′, making a difference of latitude of 3°, 40′. This difference of geographical position exposes the two extremes of lake Michigan to great variety of climate; the navigation of the northern part being annually, and of the southern frequently impeded by ice. I have annexed to this Addenda, tables which will exhibit the relative distance from the city of New York, to St. Louis by the Canadian lakes and by the Ohio river. These routes, however, are so different from each other, in climate, facilities, and impediment, that very little accurate induction can be drawn from their respective length to determine a preference.

It can scarcely be doubted, but that beyond Buffalo, when the contiguous countries are equally inhabited, the Illinois river and Canadian lakes will form the channel of communication with the upper waters of the Mississippi in preference to the route by the Ohio. The navigation of the latter river is subject to great embarrassment from frost, and long dry weather in the fall season. So much of the northern channel of commerce permits the use of vessels of considerable tonnage, that transportation from Buffalo to Chicago, will be less expensive than that of any equal distance by the Ohio route. If
245 the people of the United States ought to ever unite, in opening a channel of communication, it is that by the Illinois river and lake Michigan. If the various points, from St. Louis to Buffalo, were united by commercial facility, a numerous population would be the immediate consequence, a population that would spread a shield before the interior parts of our country, and would give a preponderance upon the St. Lawrence waters, to the people of the United States, which in future wars would prevent a repetition of some of the disastrous events of the late contest with Great Britain."

Professor Alvord (continuing): Referring to the State Papers of the First Session of the 16th Congress, and particularly to a report of Major Stephen H. Long to the Secretary of War, I would say that Major Long was in charge of the expedition to investigate the practicability of waterways and particularly the use of this watercourse, Chicago and Desplaines, and has made a very careful report based upon observation. I am familiar with the publication of these various State Papers and the facts with reference to their compilation and publication. The yare the publications of the various reports and documents that are laid before Congress.

Whereupon the said report from Stephen H. Long was read into the record, as follows:

246 "Department of War,
28th December, 1819.

Sir: In compliance with a resolution of the House of Representatives, of the 15th inst. directing the Secretary of War 'to lay before that House the several Topographical reports that have been made to the War Department, in pursuance of instructions to that effect, respecting the practicability of uniting, by a canal, the waters of the Illinois river, and those of Lake Michigan, and such other information as he may be in possession of, on that subject,' I have the honor to transmit an extract of Major Long's report, and a copy of a report made by R. Graham and Joseph Philips, Esquires, which comprehend all the information on the subject in this Department.

I have the honor to be,
Very respectfully, Sir,
Your most obedient servant,
J. C. Calhoun.

Hon. Henry Clay,
Speaker of the House of Representatives U. S."

"Extract from a Report of Major Stephen H. Long to
247 George Graham, Esq. Acting Secretary of War, dated Washington, March 4th, 1817.

The Illinois is formed by the union of three considerable Rivers, the Des Plaines, the De Page, and the Kankakee; the last of which is nearly double the size of either of the two former. The Illinois is about 300 miles in length, and is of variable width, from seventh yards, to one mile. It has a very moderate current, and a depth of water sufficient to render it navigable, at all time, for boats of considerable burden, about 230 miles from its mouth. At the mouth of the Vermillon, there are rapids, perceivable only in the lower stages of winter. Farther up, the water is not, generally so deep as it is below the Vermillion.

The Valley of the Illinois varies in its width, from three to ten miles; is, generally, flat and marshy, and, for the most part, subject to inundation, when the river has no more than a medial height. In some parts of it, however, prairies and bottoms, of considerable extent, are to be met with, elevated much above high water mark. In ascending the river, the bluffs gradually decrease in height, being about 150 feet high at the mouth, and about 100 feet at the head of the river. Imbedded in the bluffs, are strata of limestone, slate and coal, which, occasionally, make their appearance along the surface of the declivities.

248 The river Des Plaines is a small stream rising in the low lands, bordering upon the west side of Lake Michigan, and has its general course in a southwesterly direction. The valley of this river has an average width of about one mile, and is terminated on both side by regular banks, nearly parallel to each other, extending along the river about 30 miles from the head of the Illinois. In ascending this river, also the banks and bluffs gradually decrease in height being as before mentioned about 100 feet high at the mouth, and only 20 or 25 at the distance of 30 miles higher up the river, where, instead of maintaining their parallel direction, they form nearly right angles with the course of the river, that on the right taking an easterly, and that on the left a north-westerly course; but, being gradually inflected from these courses, they form an extensive curve, encircling a large tract of flat prairie, in no part elevated more than 12 or 14 feet above the common level of the water in this vicinity. The river, throughout the above mentioned distance, has 4 or 5 short rapids or ripples that make their appearance only in times of low water. In every other part, it has the appearance of being a chain of stagnant pools and small lakes, affording a sufficient depth of water for boats of moderate draught.

In the flat prairie, above mentioned, is a small lake, about 5 miles in length and from 6 to 30 or 40 yards in width, communicating both with the river Desplanes, and
249 Chicago river, by means of a kind of canal, which has been

made partly by the current of the water, and partly by the French and Indians, for the purpose of getting their boats across in that direction, in time of high water. The distance from the river Desplanes to Chicago river by this water course, is about 9 miles; through the greater part of which, there is more or less water, so that the portage is seldom more than 3 miles in the driest season; but in a wet season, boats pass and repass with facility between the two rivers.

The Rivers De Page and Kankakee bear nearly the same character, in regard to their bluffs, valleys &c, that has been given to the Desplanes. The former of these rivers takes its rise a few miles west of that of the Desplaines, and has a course nearly parallel with it. The latter rises in a flat marshy country in the neighborhood of the St. Joseph of the Lake, and runs a meandering course westwardly, passing the southern extremity of Lake Michigan, at the distance of 20 or 30 miles from it. Near the head of this river is a small creek falling into St. Joseph, through which boats have passed in time of high water, from the St. Joseph to the Kankakee. The country through which the Desplanes, the De Page, and the Kankakee rivers take their course, appears to be underlaid with a vast bed of limestone, which occasionally makes it appearance in the valleys of those rivers, covered with a soil too thin to support vegetation.

250 Chicago river is merely an arm of the lake, dividing itself into two branches, at the distance of one mile inland from its communication with the lake. The north branch extends along the western side of the lake about thirty miles, and receives some few tributaries. The south branch has an extent of only 5 or 6 miles, and receives no supplies, except from the small lake of the prairie above described. The river and each of its branches are of variable width, from 15 to 50 yards, and, for 2 or 3 miles inland, have a sufficient depth of water to admit of almost any burden. The entrance into lake Michigan, however, which is 30 yards wide, is obstructed by a sand bar, about 70 yards broad, upon the highest part of which, the water is usually no more than two feet deep. The difficulty of removing this obstruction would not be great. Piers might be sunk on both sides of the entrance, and the sand removed from between them. By this means, the river would be rendered a safe and commodious harbor

for shipping, a convenience which is seldom to be met with on the shores of lake Michigan.

The St. Joseph of the lake is navigable for batteaux to a very considerable distance, in all stages of the water.

The St. Joseph and St. Mary's of the Maumee, are rivers of considerable size and extent. The latter, in wet
251 seasons, is navigable for perogues to fort St. Mary's, one hundred and fifty miles from its confluence with the former, by the course of the river. Its branches interlock with those of the Wabash and Big Miami. The St. Joseph is navigable about 50 miles, its tributaries interlocking with those of the St. Joseph of the lake, the Kankakee, and the Wabash. The Maumee of the lake is 100 miles in length, and is navigable for batteaux and perogues throughout its whole extent, in all stages of the water; about thirty miles about its mouth are the Wolf Rapids. The face of the water, however, is not so great as to occasion any very serious obstruction to the navigation of the river.

The courses and relative positions of the several rivers and creeks may be seen by recurring to the plans.

PROPOSED CANALS AND ROADS.

A canal uniting the waters of the Illinois, with those of Lake Michigan, may be considered the first in importance of any in this quarter of the country, and, at the same time, the construction of it would be attended with very little expense compared with the magnitude of the object. The water course which is already opened between the river Desplanes and Chicago river, needs but little more excavation to render it sufficiently capacious for all the purposes of a canal. It may be supplied with water at all times of the year, by constructing a dam of moderate height acros the Des Planes, which would give the water of that river a sufficient elevation to supply a canal ex-
252 tending from one river to the other. It would be necessary also, to construct locks at the extremities of the canal that communicating with Chicago river being calculated to elevate about six feet, and that communicating with the Des Planes, about four feet.

To render the Des Planes and Illinois navigable for small boats and flats requiring but a small draught of water, nothing more is necessary than the construction of sluices, in a few places where there are ripples of a sufficient width to admit the boats to pass through them. This may be effected by clearing away the loose stones from the bottom, and forming banks riveted with stone two or three feet high, on each side of the sluices. Thus, a water communication between the Illinois and lake Michigan may be kept open at all times sufficient to answer all the purposes for which a canal will be wanted, for many years to come. A canal uniting the St. Joseph of the lake with the Illinois, by way of the Kankakee, may be constructed also in a similar manner, and with great facility, except that the distance by this route is considerably greater.

There are various other places where water communications may be opened in this quarter, by means of canals, to great advantage, of which the following are but a small proportion, viz: Between the St. Joseph of the lake, and
253 the St. Joseph of the Maumee; between the latter and the Wabash; and between the Illinois and the Wabash, by way of the Sangano river. A canal also uniting the Mississippi and Ohio, a little above their junction, would be of great public utility, particularly should a general depot for military stores be established near the mouth of the latter. The objects of this canal would be to shorten the distance by water from the contemplated site of the depot, northwardly, to avoid a part of the Mississippi, difficult to navigate, and to render the depot accessible by an easy and safe communication, both from the Ohio and the Mississippi."

Professor Alvord (continuing): The next report attached to this same document is the report of R. Graham and Joseph Philips. Philips was one who accompanied this expedition of Major Long and made a report likewise on the subject.

Mr. Munroe: He was the first Chief Justice.

Whereupon the said report of Graham and Philips was read into the record, as follows:

254 "Kaskaskia, April 4th, 1819.

Sir: In addition to the notes of Mr. Sullivan, the surveyor, which describes the face of the country over which the lines were run, we beg leave to suggest some views which occurred to us in the subject of communications between the river Illinois and the Michigan Lake.

By reference to the map herewith forwarded, it will be seen, that the little river Plein, coming from the north-west, approaches within ten miles and a quarter of Lake Michigan, and then, bending to the south-west, unites with the Theakiki, at the distance of about fifty miles, and forms the river Illinois.

The country between the Lake and the Plein, at this point of approach, is a prairie (natural meadow) without trees, covered with grass, and, to the eye, a perfect level.

From the bank of the Plein, standing on the ground, the trees are distinctly seen, with the naked eye, at Fort Dearborn, on the shore of the lake; from Fort Dearborn they are, in like manner, seen on the bank of the Plein. Standing on any intermedeate point, between the lake and the river, and the judgment is at a loss to say which side the ground declines, and whether the lever of the Plein or the lake is the highest. It was, however, determined, from certain data, that the level of the river was two feet, or thereabouts, above the level of the lake. From this view it would seem that the cutting of a canal, 255 in this place between the Plein and the lake, would be a work of neither skill, difficulty, or expense. Small, however, as the labor would be, under this view, it is still diminished upon a close examination, and by finding that an arm of the lake called Chicago puts out in the direction of the Plein, and that an arm of the Plein, also called Chicago, puts out in the direction of the lake. They approach within two miles of each other; so that, in common water, there is only dry ground to that extent between them. The character of these two arms is essentially different; that of the lake being but about sixty feet wide, and from ten to forty feet deep; that of the river, being in high water, from four to six feet deep, and, in places, a mile wide, and, in low water, either dry or reduced to a gutter. Between the heads of these two arms is also a gutter, which is dry in the dry seasons of summer and fall, and full of water in the spring, and, when thus filled with water, the boats, of six or eight tons, engaged in the Mackinaw and Mississippi trade, run through, backwards and forwards, so as to make no portage between Mackinaw and the Mississippi. This gutter, judging from the appearance of others now forming, was, at first, a path worn out by the feet of those who carried things across the portage, and afterwards deepened by the attrition of the

waters, until formed into a little canal. The wind, alone, gives the water a current in this little canal, and its direction depends upon the course of the wind. Objects have
256 been seen to float out of it, from the same point to the river and to the lake.

It is incontestibly true, that an east wind will drive the water of the lake through this gutter into the Plein, and that water from Lake Michigan has been discharged, by this outlet, into the Mississippi, and thence into the Gulf of Mexico. It is equally incontestible, that the waters of the Plein have been driven, by the same channel, into the lake; and these phenomena may now be witnessed, at any time, when the waters are high and the wind blows hard. It follows, therefore, that, to finish the canal begun by nature, in this place, would require, as we have already said, but little of skill, time or expense. On opening the canal, however, two difficulties would be experienced.

1st. The Plein would be found to be above the level of the canal; its water, of course, would be diverted from its natural channel, and pass by the canal into the lake.

2d. Supposing that evil remedied by a lock to lift vessels into the Plein, yet the Plein, during half of the year, does not contain water enough to float a boat, and so could not become useful as a national highway.

To remedy this defect of water in the Plein, two projects suggest themselves. 1st. To sink the bed of the Plein below the level of the canal, and thus increase the depth of the Plein as well by feeding it out of the lake, as by collecting its water into a narrower channel. 2d. To
257 make the canal unite with the Plein lower down in its course. A few miles lower would be sufficient to give the water of the lake a descent into the river, as the Plein has a sensible descent in this place, inasmuch that the people of Chicago call it 'The Rapids' having no other word to distinguish moving water from that which stands still. Of the Plein below its point of approach to the lake, we would remark, that it has hardly the attributes of a river, being in most places without current, and without banks, lying as a sheet of water in the Prairie, sometimes a mile wide, and so shallow that the tall grass appears almost everywhere above its surface. Having said thus much of the facility of communication by the Chicago, we would now remark, that several other routes

are perfectly practicable. 1st. From a point in the lake south of Chicago to enter the Plein below mount Juliet, at or near what is called lake de Page, but which is only a dilation of the waters of the Plein. This route would lay over level Prairie, through a multitude of small lakes, or ponds, which have neither name or place in any map. 2. By a canal leaving the lake near its south end, and uniting with the Theakiki, just above its confluence with the Plein. Both of these canals would be fed from the lake, would require few or no locks, would go over ground of the same sort, would be 50 or 60 miles long, and would 258 join the waters of the Illinois at points from which it is constantly navigable. A third route was spoken of, but not seen by us. It would lie between the Theakiki and the St. Joseph of the lake. Information says, that it has been practiced by French traders. You will perceive, sir, that we have not spoken of the nature of the soil through which these several routes would pass. Not being our business to search for, and report upon the practicability of water communication, our observations were limited to what fell under the eye while engaged in another duty, and in making this report to you, it is our object to excite inquiry, not to furnish plans of practicable projects. We shall, therefore, only say on this point, that the country in general, and the bed of the Plein, exhibited much loose stone and pebble, and firm ground.

To conclude, the route by the Chicago, as followed by the French since the discovery of the Illinois, presents at one season of the year an uninterrupted water communication for boats of six or eight tons burthen, between the Mississippi and the Michigan lake; at another season, a portage of two miles; at another, a portage of seven miles, from the bend of the Plein to the arm of the lake; at another, a portage of fifty miles, from the mouth of the Plein to the lake; over which there is a well beaten wagon road, and boats and their loads are hauled by oxen and vehicles kept for that purpose by the French settlers at the Chicago.

259 Respectfully,
Your obedient servants,
R. Graham,
(Signed) Joseph Phillips."

The Hon. J. C. Calhoun,
Secretary of War, Washington."

Professor Alvord (continuing): The book to which my attention is now directed is Volume 8 of a series of books entitled "Early Western Travels, 1748-1846, by Thwaites." It is a series of annotated reprints of some of the best and rarest contemporary volumes of travel, descriptive of the aborigines and social and economic conditions in the middle and far west, during the period of early American settlement. Edited with notes, introductions, Index, etc., by Reuben Gold Thwaites, LL. D. Volume VIII. Buttrick's Voyages, 1812-1819. Evans' Pedestrious Tour, 1818. Cleveland, 1904.

260 This is one of the volumes of what is known as Thwaites' Early Western Travels, and they contain, as the title page explains, a series of reprints of some of the most famous contemporary volumes of travel in the west. Among historians this series of reprints is regarded as reproducing exactly the volumes and they are used in the same way as the volumes themselves would be. The facts with reference to this book of Evans are all set out here. The book is called a reprint of a book entitled "A Pedestrious Tour of Four Thousand Miles through the Western States and Territories during the Winter and Spring of 1818. By Estwick Evans. Concord, 1819." Dr. Thwaites says in regard to Estwick Evans, that he was

> "a man imbued with early nineteenth century views of the return to nature and the charm of savage life. Slipping the lease of the restraints of civilization, and influenced by a strange mixture of Quixotism and stoicism, our author set forth from his New Hampshire home in the dead of an extreme winter, and crossed the frozen, almost trackless waste to the frontier post of Detroit. His copyright notice contains the following epitome of the journey: 'The blast of the north is on the plain. The traveller shrinks in the midst of his journey.'"

* * * * *

261 "Evans was born (1787) of good New England ancestry, at Portsmouth, New Hampshire. Largely self-educated, he was admitted to the bar in 1811, and won popularity by espousing the couse of the oppressed, taking up cases for sailors, people in poor circumstances—those fleeced by self-seeking lawyers. A Prominent colleague said of him: 'Evans had about as much influence as anyone, because he was a clever fellow, honest, poor and not well treated, and the people sympathized with him.'"

* * * * *

> "In 1829 he removed to Washington, and throughout the remainder of his life practiced law, and served in the government offices, frequently contributing to the National Intelligencer. He died in New York, November 20, 1866.
>
> Despite the eccentricity of Evans' purpose, and the grotesque dress of buffalo skins in which he attired himself for his Western journey; despite also, his constant tendency to moralize and involve himself and the reader in a maze of speculation, his comments upon the men and condition which he saw in the course of his long tour are shrewd, eminently sane, and practical."

The statement in Evans' book is as follows:

> "There is a communication, between the Illinois river and Lake Michigan, by the way of Chicago river and
> 262 two small portages. The Illinois strikes the Mississippi about twenty miles above the Missouri, and its principal branch runs in the direction of Detroit."

Professor Alvord (continuing): In Volume 12 of the Wisconsin Historical Society Collections, at page 154, which is now shown me, I find a list of the employes of the American Fur Company of 1818. On page 162 I find the following entry: "Engaged April 28, 1818. Hubbard, Gurdon S. Time, five years. Capacity, Clerk. Where engaged, Montreal. Wages, $120; where employed, Illinois river. Remarks, Illinois river."

On page 376 of Volume 11 of the Wisconsin Historical Society Collections now shown me I find a list of invoices of the American Fur Company. On page 370 the following entry: "Accounts American Fur Company. Invoices 1821-2." On page 377, under a heading found on page 375: "For Account and Risk American Fur Company," there is this entry: "Antoine Deschamps & Gurdon S. Hubbard, for the trade of the Iroquois River and its dependencies, Michilimack-
263 inac, Aug. 9, 1822."

The book now shown me is entitled "Gurdon S. Hubbard, Sketch of Life, 1802-1886." It is further entitled "Incidents and Events in the life of Gurdon Saltonstall Hubbard. Collected from Personal Narrations and other Sources, and Arranged by his Nephew, Henry E. Hamilton. 1888."

Mr. Hamilton was a nephew of Mrs. Hubbard, and lived with the Hubbards as their son. He had collected all possible data concerning his uncle and has published it in this volume, with many quotations from the Hubbard manuscript. I find in that book references to the nature of the trade in which Hubbard was engaged and the routes which were used by him on pages 39, 43, and 59-60. This account is based upon Hubbard's own narrative.

Thereupon there was read into the record said passage on page 39, as follows:

264 "After a few days at Chicago, spent in repairing our boats, we struck camp and proceeded up the lagoon, or what is now known as the South Branch, camping at a point near the present commencement of the Illinois and Michigan Canal, where we remained one day preparing to pass our boats through Mud Lake into the Aux Plaines River.

Mud Lake drained partly into the Aux Plaines and partly through a narrow, crooked channel into the South Branch, and only in very wet seasons was there sufficient water to float an empty boat. The mud was very deep, and along the edge of the lake grew tall grass and wild rice, often reaching above a man's head, and so strong and dense it was almost impossible to walk through them.

Our empty boats were pulled up the channel, and in many places, where there was no water and a hard clay bottom, they were placed on short rollers and in this way moved along until the lake was reached, where we found mud thick and deep, but only at rare intervals was there water. Forked tree branches were tied upon the ends of the boat poles, and these afforded a bearing on the tussocks of grass and roots, which enabled the men in the boat to push to some purpose. Four men only remained in a boat and pushed with the poles, while six or eight others waded in the mud alongside, and by
265 united efforts constantly jerking it along, so that from early dawn to dark we succeeded only in passing a part of our boats through to the Aux Plaines outlet, where we found the first hard ground. While a part of our crew were thus employed, others busied themselves in transporting our goods on their backs to the river; it was a laborious day for all.

Those who waded through the mud frequently sank to their waist, and at times were forced to cling to the side of the boat to prevent going over their heads; after reaching the end and camping for the night came the task of ridding themselves from the blood suckers.

The lake was full of these abominable black plagues, and they stuck so tight to the skin that they broke in pieces if force was used to remove them; experience had taught the use of a decoction of tobacco to remove them, and this was resorted to with good success.

Having rid ourseves of the blood suckers, we were assailed by myriads of mosquitoes, that rendered sleep hopeless, though we sought the softest spots on the ground for our beds.

Those who had waded in the lake suffered great agony, their limbs becoming swollen and inflamed, and their sufferings were not ended for two or three days.

It took us three consecutive days of such toil to pass all our boats through this miserable lake; when we finally
266 camped on the banks of the river, our goods had all crossed the portage and we were once more ready to proceed.

Our boats being again loaded, we resumed our voyage down the Desplaines until we reached Isle La Cache, where low water compelled us to again unload our goods in order to pass out boats over the shoal that here presented itself; and again we camped after a hard day's labor.

Isle La Cache took its name from a circumstance in the life of Mr. Sara, a trader who, when on his way with loaded canoes from Montreal to St. Louis, with goods for the Indian trade on the Ohio River, camped at this point. A band of Indians demanded of him some of his goods as a tribute for the privilege of passing down the river; this was refused. The Indians then returned to their village, a short distance below, held a council, and determined to stop his canoes as he passed their village, and take by force what he had refused to give. Some of them, however, opposed this robbery, and one of the band reported the act of the council to Mr. Sara.

The night was dark and misty, and Mr. Sara determined to pass if possible by strategy, but to fight rather than to accede to their demands. Fearing he might be overcome by numbers and thus lose his goods and in order to lighten his canoes, so that he could pass rapidly over
267 the shoal places in the river, he ordered the most valuable portion of his goods removed to a grove, about a mile dis-

tance on the prairie, and there hid them in holes dug in the ground (caches), removing the surplus earth to a distance, and carefully smoothing over the spot, so that no trace of the hiding place could be seen; he then armed his men with guns, tomahawks and knives, and at daybreak started on his way down the river.

Stopping at the village, he stationed his men so as to guard the canoes, and then called on the Indians for a talk, which was granted; he told them that he should defend his goods; that the Great Father, the French King, has given him permission to go to the Ohio River, and showed them a parchment ornamented with numerous ribbons and large red seals; he said to them, 'here is my evidence, the King has made this writing, and it tells you that I must not be stopped or disturbed in passing through the nations of his red children; if any harm shall come to me he will revenge it by sending an army to destroy them and take possession of their country.'

This speech and demonstration had the desired effect, and the Indians were glad to excuse themselves; they however said that they were poor and needed clothing and tobacco; that they had no powder and but few guns, and were preparing to send a delegation to St. Louis to see the Great Father's Captain to state their condition and make known their wants.

268 Mr. Sara replied that he was authorized to give them a present from their Great Father, and that he should have done so but for their demand and threat, but as they had repented, he would now give it to them; whereupon he handed them a small bale which he had previously prepared for that purpose, and ornamented with ribbons and sealing wax. The bale contained a few pieces of calico, powder and shot, tobacco and flints and steels for striking fire, which delighted them exceedingly.

* * * * * *

Our progress from this point was very slow indeed, and most of the distance to the Illinois River our goods were carried on our backs, while our lightened boats were pulled over the shallow places, often being compelled to place poles under them, and on these drag them over the rocks and shoals. In this manner almost three weeks were occupied in reaching the mouth of Fox River, and two days more brought us to the foot of Starved Rock.

* * * * * *

After leaving Starved Rock we met with no further detentions from scarcity of water. We passed on our way a number of Indian villages and stopped a few hours at each, not for the purpose of trading, but only to barter tobacco and powder for meat and Indian corn. * * *

(Omitting to page 59, which passage describes the return trip up the river and is as follows):

The first night we halted at our old camp ground at the 269 foot of Starved Rock. From this point until we reached Cache Island, our progress was very slow, averaging but from six to ten miles per day. The river was high, the current swift, and the rapids strong and as the boats were heavily laden and a cold storm prevailed, we were glad to camp early and afford the men a much-needed rest. Early the morning following we left Cache Island, and as the wind was strong from the southwest, we hoisted our square sails for the first time, and rapidly passed up the Desplaines River, through Mud Lake, to South Branch, regardless of the course of the channel, and soon reached Chicago.

We camped on the north side of the river, a small distance above Fort Dearborn, where we remained six or eight days, repairing our boats and putting them in condition for the more serious journey of coasting Lake Michigan."

Professor Alvord (continuing): In Volume 3 of the 270 Michigan Pioneer and Historical Collections, on page 125, is an article entitled "Journey of Gurdon S. Hubbard, in 1818. Read before the State Pioneer Society, February 4, 1880."

This was read by Gurdon S. Hubbard himself, and refers to the use of this water route by Mr. Hubbard.

Whereupon the said passage was read into the record, as follows:

"I was born at Windsor, Vermont, August 22, 1802. I first saw the Island of Mackinac on the 4th day of July, 1818, then the headquarters of the American Fur Company, under the management of Ramsay Crooks and Robert Stuart.

In March, 1818, I was engaged at Montreal as a clerk to the American Fur Company for a term of five years, on a salary of $120.00 per annum. We left Lachine on the 13th of May, in twelve Canadian Batteaux, and ascended

the St. Lawrence river to Lake Ontario, sailed along its coast to Toronto, at that time called York, then we made
271 a portage of eighteen miles to Lake Simcoe, coasting it to its southern part, then making another portage in to Nottawassaga river. Our boats and effects were drawn to Lake Simcoe on wheels over what was called Young street; it was a fair road."

* * * * * *

"We descended Nottawassaga river to Georgian Bay, coasting thence to Mackinac. This island was then in its gayest season. All the traders attached to the American Fur Company were assembled there, having brought in their furs, and were preparing to receive their outfits to depart again to their several trading-posts.

The resident population of this island was about 500, principally Canadian, French, and half-breeds; their occupation was fishing and trading with the Indians; with few exceptions they were poor and improvident. There was a garrison composed of about three companies.

After spending two months on the island, I was detailed to the Illinois brigade of traders, under the command of Antoine des Champs, a highly educated gentleman who had been more than forty years an Indian trader on the Mississippi, Illinois, and Ohio rivers.

Our brigade of traders left Mackinaw in September, coasting the eastern shore of Lake Michigan to Chicago; there we found Fort Dearborn garrisoned by United States troops. John Kinzie and A. Ouilmett were the only
272 white inhabitants at that period in Chicago and northern Illinois. Here, three miles up the south branch, our boats were unloaded, our merchandise was carried to the Des Plaines river on the mens' backs and the empty boats were hauled through a ditch that was almost dry, to Mud Lake, half way, then through a like ditch into the Des Plaines (in high water this is good navigation), there reloading, we descended the Des Plaines river, having to partially unload our boats and carry the goods on our backs over shallow places and passing the boats over by means of rollers under them until reaching the Illinois river, where, at different points, our trading posts were located sixty or seventy miles apart. In the spring following we returned by the same route; the rivers being full, we had no portage to make, passing the ditches and Mud Lake under full head."

272 Professor Alvord (continuing): Mr. Hubbard died in 1886, at the age of eighty-four.

The book which is now shown me is entitled "A Statistical, Political and Historical Account of The United States of North America; From the Period of their first Colonization to the Present Day. By D. B. Warden, Late Consul for the United States at Paris, Etc. Volume 1. Edinburg, 1819."

273 Mr. Warden was Consul at Paris for forty years. He was born in Ireland and died at Paris in 1845. He was distinguished for his scientific attainments and varied learning. He was appointed as secretary of the legation to General Armstrong, minister of France. Later he was consul. He published an account of the United States in three volumes in 1819.

I find in Volume 1, page 120 a reference to the river route by way of the Chicago Desplaines.

Whereupon the said passage was read into the record, as follows:

> Page 120, paragraph 17:
>
> "The Illinois River, formerly the Theakiki, is formed by the union of three considerable streams, the Des Planes, (Plein), De Page, and the Kankakee. The first, which rises in the low lands bordering upon the west side of Lake Michigan, runs a southwesterly course. The DePage takes its rise a few miles west of the former, and has a nearly parallel course. The Kankakee rises in a flat marsh country, near the St. Joseph of the lake, and takes a meandering westerly course, passing the southern extremity of Lake Michigan, at the distance of twenty or thirty miles. After receiving the waters of this river, the Mississippi meanders through a broad valley, from six to twelve or fourteen miles in width, the sides of which rise in bluffs from the height of forty to a hundred feet. To a considerable distance from its mouth, the width of the Illinois is between 300 and 400 yards. The current runs at the rate of two miles and a half an hour, and affords an uninterrupted navigation of 230 miles for large boats, and for small ones to the distance of 460 miles, where it approaches Lake Michigan. The rapids at the mouth of Vermillion river are only perceivable when the water is low; and between it and the Chicago river. Of this water the largest portage does not exceed four miles; and after heavy rains boats pass from one to the other across the 274

isthmus, which is about eight miles in breadth; and, being low and level, a canal communication might be opened at a small expense, which, with the exception of nineteen miles of land carriage, would extent the inland navigation from New York to New Orleans."

PROFESSOR ALVORD (continuing): Having in mind the context, the 19 miles of land carriage refers to the land carriage around Niagara Falls.

275 The book now shown me is entitled "Summary Narrative of an Exploratory Expedition to the Sources of the Mississippi River, in 1820. Resumed and Completed by the discovery of its origin in Itasca Lake in 1832. By authority of the United States. By Henry R. Schoolcraft. Philadelphia, 1853."

Henry R. Schoolcraft was born in New York State in 1793. He studied a year at Union College. In 1817-18 he was in Missouri and Kansas and published a volume concerning that region. In 1822 he was made agent for the Lake Superior tribes. He went into ethnology and history very extensively. He lived among the Indians and among the fur traders, and his volumes are now used by historians, ethnologists and archaeologists as splendid sources of information in regard to the events and facts concerning which he has written. He is one of the most famous ethnologists that the United States has produced.

I find on page 398 of this book a reference to the river route under consideration.

Whereupon the said reference was read into the record, as follows:

(Schoolcraft's Exped. to Sources of Miss., p. 396):

276 "Memoir on the Geological position of a Fossil-Tree in the series of the secondary rocks of the Illinois. The spirit of inquiry which has been excited in this country in regard to objects of natural history, while it has enlarged the boundaries of our knowledge of existing species, has directed some of its more valuable researches to these organized forms which have perished and become embalmed in the shape of petrifications in the body of solid rocks. A petrified tree of this kind has recently been discovered in the secondary rocks at the source of the Illinois river. Having recently visited this evidence of former changes in the flora of the West, I embrace the occasion, while my recollections are fresh, to give an account of it.

The tract of country separating the southern shores of Lake Michigan from the Illinois river, is a plat of table-land composed of compact limestone, based on floetz or horizontal sandstone. The formation embraces the contiguous parts of Illinois, and spreads through Indiana, Ohio, and the Peninsula of Michigan. It is overspread with a deposit of the drift era, covered with a stratum of alluvial soil, presenting a pleasing surface of prairies, forests and streams. These features may be considered as peculiarly characteristic of the junction of the Rivers Kankakee and Des Plaines, which constitute the Illinois River. This junction is effected about forty miles south of Chicago." * * *

277 "At the time of my visit (August 13, 1821), the depth of water upon the floetz rocks forming the bed of the River Des Plaines, would vary from one to two feet; but it was at a season when these higher tributaries, and the Illinois itself, are generally at their lowest stage. Like most of the confluent rivers of the Mississippi and their tributaries, the Des Plaines is subject to great fluctuations, and during its periodical floods may be estimated to carry a depth of eight or ten feet of water to the junction of the Kankakee. At these periods, the water is also rendered turbid by the quantity of alluvial matter it carries down, and a search for this organic fossil must prove unsuccessful. But during the prevalance of the summer droughts, in an atmosphere of little humidity, when the waters are drained to the lowest point of depression, and acquire the greatest degree of transparency, it forms a very conspicuous trait in the geology of the stream, and no person, seeking the spot, can fail to be directed to it."

Professor Alvord (continuing): The Volume now shown me is Volume 4 of the Wisconsin Historical Society Collections. On page 153 begins an article entitled, "Recollections of Wisconsin since 1820. By Col. Ebenezer Childs, of La Crosse."

278 Ebenezer Childs was born in Massachusetts in 1797, and left that state in 1816. He went to northwest New York where he remained for three years, and then settled in Cleveland, Ohio. He became a fur trader among the Indians, In 1821 he made a trip to St. Louis and back again. In 1827 he made a trip with cattle to Chicago. He was in 1841 with a party that was surveying the Michigan-Wisconsin line. He

was appointed one of the exploring agents of the Indians in 1848. The latter part of his life was passed in Wisconsin.

I find on page 162 a reference to the use of the river route in question by Colonel Childs.

Whereupon the said passage on page 162 was read into the record, as follows:

> "Recollections of Wisconsin since 1820, by Col. Ebenezer Childs, of La Crosse."
>
> 279 "In 1821 I made a trip to St. Louis in a bark canoe up the Fox river, across the Portage, and down the Wisconsin to Prairie due Chien, and thence down the Mississippi. I was sixteen days on my journey, and saw but seven white men in the whole distance, outside the forts. I met one keel-boat on the Mississippi bound up for Fort Armstrong at Rock Island. There was a small garrison opposite the mouth of the Des Moines River. There were but few Americans and few Spaniards at St. Louis; the inhabitants were mostly French. There was but one brick building in the place, and no buildings were located on Front street, or where the levee now is. I encamped on the sand beach, near where the old market is located. I remained two weeks, did my business, when I was advised to return by way of the Illinois River.
>
> I started by that route, and the next day was taken down with the ague and fever, and the day following one of my men was also taken with the same complaint, which left me with one Indian and one Frenchman to paddle my canoe. I did not provide a sufficiently large stock of provisions when I left St. Louis, presuming that I could get plenty on the Illinois. But all I was able to obtain was, one ham full of mag-gots and one peck of Indian meal. I saw but one house from the mouth of the Illinois to Fort Clark, where Peoria now is; at which latter place one French trader resided. When we reached there, I was completely exhausted and remained a few days to recruit a little, when we left to prosecute our journey. We continued up the Illinois to the junction of the Kan-
> 280 kakee and Eau Plains, and thence up the Eau Plains to where I supposed we had to make a portage to Chicago River; but I could not see any signs of the portage. There had been heavy rains for several days, which had so raised the streams that they overflowed their banks. I concluded that I had gone far enough for the portage. So I left Eau Plains and took a northeast direction. After

traveling a few miles, I found the current of the Chicago River. The whole country was inundated; I found not less than two feet of water all the way across the portage.

That night I arrived at Chicago, pitched my tent on the bank of the lake, and went to the Fort for provisions."

Professor Alvord (continuing): Volume 19 of Thwaites' Early Western Travels, now shown me, contains what is known as the Ogden Letters. The book is entitled, "Letters from the West, comprising a tour through the western
281 country, and a residence of two summers in the states of Ohio and Kentucky; originally written in Letters to a Brother. By George W. Ogden, New Bedford, 1823."

George Ogden was a Quaker merchant of New Bedford, Massachusetts. In 1821 he went on a business trip to the western country, staying two years. His first letter is dated April, 1821, from Pittsburg. He went from there to the Mississippi. A great part of the information which he has here given was gathered for publication as an aid to immigrants. He speaks in letter five of being on the Illinois river, and in another place he also speaks of going there. On page 53 he refers to the Chicago-Desplaines route.

Whereupon said passage on page 53 was read into the record, as follows:

"The rivers and streams that wash the various parts of this state, are almost innumerable; and to particularize them all, would be tedious to the reader, and a waste of time to the writer. I shall hereby mention some of the most noted of them.—The Illinois is the largest that
282 is peculiar to this state. This is a noble river, rising near the south end of Lake Michigan. Its head branches are called the Plein, and Theakekee or Kankakee. The Plein is navigable within two miles of Chicago river of Lake Michigan, and boats are said to have passed loaded from one to the other at high water, the distance between them, being a marsh and in high floods it is completely inundated."

283 Whereupon counsel for the government offered in evidence a footnote on said page 53, by Doctor Thwaites, as follows:

"The Ordinance of 1787 decreed (in effect) that the future State of Illinois should be bounded on the north by a line drawn west from the extreme southern end of

Lake Michigan. But the enabling act for the erection of that state (1818) shrewdly engineered through Congress by Nathanial Pope, the Illinois delegate, fixed her northern boundary at 42° 30′, over sixty-one miles further north. But for this, Chicago would today have been a Wisconsin port.—Ed."

PROFESSOR ALVORD (continuing): I have made an investigation from the standpoint of a historian of the facts in regard to the fixing of this boundary. Those facts are that the ordinance of 1787 would have made the northern boundary of the State of Illinois run through the southern point of Lake Michigan. But, when the enabling act was before Congress, the delegate from the Territory of Illinois moved an amendment making the present boundary of the state, and putting forth his arguments for that change. His chief argument was that the entrance by waterway to the state was from the south along the Ohio river. That if Illinois with its long extent north and south had a water front on
284 the lake it would have a tendency to bring into the state northern settlers by the northern waterway. In fact, the trade of the Chicago port would fix the character of the northern population. That was in general his argument. The argument appealed to the northern members of Congress and the northern boundary was thus determined.

The answer of the witness in reference to the boundary line was objected to as incompetent, immaterial and irrelevant, and a motion interposed to strike out the answer as containing the conclusions of the witness as to what were the chief arguments and what appealed to the members of Congress in bringing about the result referred to.

PROFESSOR ALVORD (continuing): My answer is based upon my own investigation of the debates, upon reading Mr. Pope's own argument.

285 Referring to the fur trade, I would say that the Southwest Company, later the American Fur Company, was a company that was created by American merchants for the purpose of carrying on this trade. It became a rival of the Northwest Company and afterwards grew into the American Fur Company.

The book which is now shown me is entitled, "A Gazetteer of The States of Illinois and Missouri, containing a general view of each State—A general view of their counties—And a particular description of their Towns, Villages, Rivers, &c. With a Map, and other Engravings. By Lewis C. Beck, A. M., Member of the New York Historical Society, and of the New York Lyceum of Natural History. Albany. 1823."

Mr. Beck was an American physician, chemist and mineralogist; was born in Schenectady and graduated at Union. He was a professor of chemistry at Rutger's, and later in the Albany Medical College. He was an author of books on chemistry and botany, and a report on mineralogy of
286 New York based on his own researches when a member of the New York Geological Survey in 1835 to 1841, and published as Volume 1 of the Natural History of the State of New York in 1842. Mr. Beck's Gazetteer has a very good standing among historians and has been used again and again by historians of Illinois and all the historians of the Northwest as the source of material for the history of these states, and particularly for his account of the state in the year in which it was published. In his preface Mr. Beck says:

> "Under the impression, that a more detailed description of these states than had hitherto been published, would be useful, and perhaps interesting, I commenced, shortly after my removal to Missouri in 1819, the collection of materials for the present work. I travelled over a considerable portion of these states, and became acquainted with a number of intelligent gentlemen, residing in different parts of them, who afforded me much assistance in the prosecution of my design. The different
> 287 state officers, also were so obliging as to allow me the privilege of perusing many valuable documents in their offices, and making much extracts from them as I desired. By these means I acquired the greater part of the information which is contained in the following pages. In the meantime, my visit to New York gave me an opportunity of consulting many works which I was elsewhere unable to obtain. In the very valuable library of the Historical Society, to which I had access, I found, with few exceptions, all the earlier, as well as modern authors who treated of that part of Louisiana and the western country, now the States of Illinois and Missouri. Although these works for the most part consisted of the narrations of travellers of general descriptions, they afforded me the means of comparing my own observations, and of adding their descriptions of such places as I had

either neglected, or had been unable to visit. From the works of Marquette, Hennepin, Tonti, and Charlevoix, I obtained many interesting facts concerning the history of these states, which I have presented in a condensed form. From the more recent works of Stoddard, Breckenridge, the travels of Lewis and Clark, Pike, and Bradbury, I have also derived much assistance. In treating of the lead mines and minerals of Missouri, I have constantly referred to the 'View of the Lead Mines of Missouri,' published by Mr. Schoolcraft in 1820."

Professor Alvord (continuing): I find in this volume a reference to the river route to the Mississippi, by way of the Chicago and Desplaines, on page 19.

288 Whereupon said extract was read into the record.

"A mere glance at the map of Illinois will be sufficient to convince a person of the least observation, that the union of Lake Michigan with the Illinois river, by means of a canal, is not only practicable, but of easy accomplishment. The position, however, does not rest upon so slight a basis; but in its support, can be adduced the concurrent testimony of all who have explored and examined the country. The fact of an easy, and during some seasons an uninterrupted communication between Lake Michigan, and the head waters of the Illinois, was observed by the French at the first discovery of the country; and on this account, they immediately erected trading establishments on different parts of the route. This trade was for a long time enjoyed exclusively by the French, and it contributed in no small degree to the importance of the Canadas. But, as is well known, this has since passed into other hands, and those who discovered the country and were for a long time the lords of the soil, are not the mere "hewers of wood and drawers of water.' Alas! who can account of the strange vicissitudes of fortune? Perhaps, in a few more years, those republican institutions, which are now our pride and boast, may be demolished and the eagle of liberty, now souring
289 proudly on our air, be driven from our shores to distant and more congenial climes!

The information of traders and voyagers was such as left no doubt of the existence of a natural canal between Lake Michigan and the Illinois, at some seasons of the year. But as the country had never been carefully examined by men of science and observation, it was difficult to ascertain what were the facilities of forming an artificial communication. All talked of the project as practicable, but none knew the manner in which it was to be accomplished. That the lakes should be united with the Hudson and Mississippi rivers, was a project none were willing to scrutinize, lest its beauty might be destroyed. But thanks to the genius and enterprise of our citizens, theories and dreams have passed away, and have been succeeded by experiment and practice.

A few years since the country south and west of Lake Michigan, was explored by Messrs. Philips and Graham. In a very interesting report, which they made to the secretary of war, four different methods of forming a communication between Lake Michigan and the Illinois were proposed, viz:

First—By uniting a branch of Chicago river, which empties into Lake Michigan, and a branch of the Desplaines, which runs a southeast course, and approaches 290 within ten or eleven miles of the lakes, and then turning to the southwest, blends its waters with the Theakiki. These streams approximate within three miles of each other, and when swelled by heavy falls of rain, actually united, so that boats of 8 or 10 tons burthen pass and repass from the lakes to the Mississippi, through this natural route. * * *

I shall examine each of these plans somewhat in detail; and first the junction of the Chicago river with the Des Plaines.

What is called Chicago river or creek, is merely an arm of the lake, extending in a southwesterly direction three or four miles, and fed by one or two small streams coming from the north. Hence it is on a level with the lake, but at some seasons has a gentle current, owing to the rains and freshets. On this stream, about 4 or 5 miles from the lake, is a trading establishment; and here the portage commences, which, except, in very dry seasons, is seldom more than 3 miles. From this portage to the Des Plaines, a distance of 4 or 5 miles, is a swamp which is generally filled with water, and is navigable. The whole distance from the Des Plaines to the lake is about 12 miles. The height of the Des Plaines, at the point where the swamp unites with it, is calculated at from 8 to 12 feet. It approached so near the level, that the view from the swamp

to the lake is almost uninterrupted. This is further proved by the very fact that at some seasons there is a communication between the Chicago and the Des Plaines,
291 which could not be the case if there was any high land intermediate.

The Des Plaines, for 14 to 16 miles below its junction with the swamp above mentioned, has scarcely any fall, and may be said to be on a level. Below this the rapids commence, and continue for a considerable distance. A short distance below the commencement of the rapids, the Lake and Des Plaines are supposed to be on a level. To this place, therefore, the canal would only require an average excavation of 6 or 8 feet. It is the opinion of some who have attended to this subject, that the canal should be fed from the Des Plaines; but the objections to rivers for supplies of water, apply with double force in this section of country. It is well known, that in the spring, all these streams are so filled with water as to overflow their banks for a considerable distance; during this season no canal would be safe, but must unquestionable be swept away. Again, in the autumn they are on the opposite extreme; creeks, ponds, and rivers, are completely drained of their water, to supply that immense and greedy conductor, the Mississippi. It is not unfrequently the case, that savages and travellers are compelled to carry water with them in bladders, and that they cross the beds of large streams without finding sufficient to quench their thirst. But there is another objection to using rivers as feeders, which, though not so imminent,
292 becomes eventually of serious moment. When the country shall be cultivated, streams swollen by showers will bring down, mixed with their waters, a proportion of mud, and that, in the stillness of level canal, will subside and choak it up. There are also other objections, which are, that those who construct the canal may not be acquainted with the true character of the streams; and that by the progress of industry, the large springs and swamps which are the principal supply of those streams, will be dried up."

Professor Alvord (continuing): The book which is now shown me is entitled "Narrative of an Expedition to the Source of St. Peter's River, Lake Winnepeek, Lake of The Woods, &c., Performed in the year 1823, By Order of the Hon. J. C. Calhoun, Secretary of War, under the Command of Stephen H. Long, U. S. T. E. Compiled from the Notes of Major Long, Messrs. Say, Keating & Calhoun. By William H. Keating, A. M. &c. Professor of Mineralogy and Chemistry, as Applied to the Arts, in the University of Pennsylvania; Geologist and Historiographer to the Expedition. In Two Volumes. Vol. I. London, 1825."

293 In his preface on page vii he says:

> "The principal object which the compiler had in view, was to unite the documents confided to him, so as to present a faithful description of the country over which the party travelled, and of the few adventures which interrupted the monotony of a journey through a wilderness.
>
> It may be well to state, that the Historical part of the narrative, together with the topographical and much of the descriptive matter, has been drawn from Major Long's notes. Mr. Calhoun's manuscripts, besides contributing to the same departments, and yielding the astronomical observations, have been very valuable in furnishing the greater part of the reference to older writers. The comparisons between the observations made by our party and the assertions of former travellers, are almost entirely due to that gentleman. From Mr. Say's notes, all that relates to the zoology and botany of the country traversed has been obtained, as well as much of the matter relating to the Indians. This last department has been completed from the compiler's own notes, which have likewise furnished the geological observations. Besides which, the journals kept by each of the gentlemen have frequently completed the observations made by some other member of the party. It has beeen
> 294 deemed unnecessary to state, in all cases, by whom the observations were made or recorded. This had, however, been done whenever the facts appeared sufficiently interesting to require that the names of the observers should be annexed to them.
>
> As Major Long's report to the War Department presents a concise summary of the general features of the country visited by the party, it has been thought advisable to introduce it as a conclusion to the narrative. Having been ordered to the Ohio to make an experiment to improve its navigation, according to the provisions of a late act of congress, Major Long was absent from Philadelphia

during the preparation of that part of the manuscript which follows the three first chapters of the first volume. This may account for some of the inaccuracies which the work will be found to contain; it is hoped that by his presence they would have been avoided." * * *

On page xiii:

"In conclusion, the compiler has much pleasure in acknowledging the great obligations under which he lies to George Ord, Esq., one of the Vice-Presidents of the Academy of Natural Sciences, and one of the Secretaries of the American Philosophical Society, for his assistance in the preparation of this work. Mr. Ord's perusal of the greater part of the manuscript, previous to its being put to press, has preserved it from many of the inaccuracies which it would otherwise have contained."

295 Professor Alvord (continuing): I find a reference to the Chicago-Desplaines route on page 167.

Whereupon said extract was read into the record, as follows:

"The South fork of Chicago river takes its rise, about six miles from the fort, in a swamp which communicates also with the Des Plaines, one of the head branches of the Illinois. Having been informed that this route was frequently travelled by traders, and that it had been used by one of the officers of the garrison, who returned with provisions from St. Louis a few days before our arrival at the fort, we determined to ascend the Chicago river in order to observe this interesting division of waters. We accordingly left the fort on the 7th of June, in a boat, which, after having ascended the river about four miles, we exchanged for a narrow piroggue that drew less 296 water; the stream we were ascending was very narrow, rapid and crooked, presenting a great fall, it continued so for about three miles, when we reached a sort of swamp designated by the Canadian voyagers under the name of le petit lac. Our course through this swamp, which extended for three miles, was very much impeded by the high grass, weeds, &c. through which our pirogue passed with difficulty. Observing that our progress through the fen was very slow, and the day being considerably advanced, we landed on the north bank, and continued our course along the edge of the swamp for about three miles, until we reached the place where the old por-

tage road meets the current, which was here very distinct towards the south. We were delighted at beholding for the first time, a feature so interesting in itself, but which we had afterwards an opportunity of observing frequently on the route, viz: the division of waters starting from the same source, and running in two different directions, so as to become the feeder of streams that discharge themselves into the ocean at immense distances apart. Although at the time we visited it, there was scarcely water enough to permit our pirogue to pass, we could not doubt, that in the spring of the year the route must be a very eligible one. Lieut. Hopson, who accompanied us to the Des Plaines, told us that he had travelled it with ease, in a boat loaded with lead and flour. The distance from the fort to the intersection of the Portage road and Des Plaines is supposed to be about twelve or thirteen miles; the elevation of the feeding lake above
297 Chicago river was estimated at five or six feet; and, it is probable that the descent to the Des Plaines is less considerable. The portage road is about eleven miles long; the usual distance traveled by land seldom however exceeds from four to nine miles; in very dry seasons it has been said to amount to thirty miles, as the portage then extends to Mount Juliet, near the confluence of the Kankakee."

Professor Alvord (continuing): Referring now to Volume 5 of the Wisconsin Historical Society Reports, and to the portion thereof that commences on page 205, entitled "Early Reminisicences of Wisconsin, by John H. Fonda," I find in small type introducing the article, the following:

"The following series of historical papers were written by the editor of the Prairie Du Chien Courier, as dictated by the aged pioneer, whose name they bear, and appeared in that paper, commencing with the number of Feb. 15th, 1858, and extending into May following. 'We would advise all,' says the editor, 'to read the Early Reminisicences, as they are extremely interesting, and contain many historical facts, that will pay for the time spent in perusal. The subject of these sketches has been in the West for over forty years, and thirty years a resident of Prairie du Chien. He has lived to see most of the
298 early pioneers carried to the grave. His life has been an eventful one, abounding in incidents of travel, camp

and field, that will prove interesting to our readers. They are as correct and truthful as memory can made them.'

Mr. Fonda was born in Watervliet, Albany county, N. Y., and is still residing in Prairie Du Chien. We have the high authority of the venerable Rev. Alfred Brunson, of Prairie Du Chien, for assuring the reader that 'Mr. Fonda's narrative is as reliable as anything of the kind given from memory.'

PROFESSOR ALVORD (continuing): The "L. C. D." is Lyman C. Draper, Secretary of the Wisconsin Historical Society for many years. I find also a reference to the Chicago-Desplaines river route on page 216.

Whereupon said extract was read into the record, as follows:

> "While engaged in securing the choicest portions of the venison, our Indian guide told us it was but a short distance to a larger body of water, on the shores of which lived the chief of his tribe, whose name was Muck-ke-tay-pa-nay. This piece of intelligence made us think we were near the large lake—Lake Michigan; but we were 299 disappointed, for late in the afternoon, we entered the foot of Lake Peoria, and were met at landing by a number of Indians, from whom we learned that it was more than two hundred miles to the nearest trading post on the lake, which was Chi-ca-a-go. We had to remain with this tribe several days, before our guide would leave the encampment; and during which time I saw several Indians of other tribes, one of whom was Black Hawk, whom I afterward found out, was then trying to get these Indians to join the Winnebagoes against the whites in the North-West. At length the councils were concluded, and our guide signified his willingness to proceed. Under his direction we paddled along until we came to the Des Plaines river, from which we passed into a large slough or lake, that must have led us into a branch of the Chicago river, for we followed a stream that brought us opposite Fort Dearborn.
>
> At this period, Chicago was merely an Indian agency; it contained about fourteen houses, and not more than 75 or 100 inhabitants at the most. An agent of the American Fur Compay named Gordon S. Hubbard, then occupied the Fort. The staple business seemed to be carried on by Indians, and run-away soldiers, who hunted ducks and musk-rats in the marshes. There was a great

deal of low land, and mostly destitute of timber. The principal inhabitants were the agent, Mr. Hubbard, a Frenchman by the name of Ouilmette, and John B. Beaubien."

There is a foot note reading as follows:

300 "Antoine Ouilmette, whose wife was a Pottawattamie woman, is mentioned in the treaty at Prairie Du Chien, in 1839, with the Chippewas, Ottowas, etc.; and at the treaty of Chicago, September, 1863, provision is made for his children. It would appear that he died during the interim between the two treaties. L. C. D."

Professor Alvord (continuing): The book now shown me is entitled "Drown's Record and Historical View of Peoria, from the Discovery by the French Jesuit Missionaries in the Seventeenth Century to the Present time. Also an Almanac for 1851. By F. DeWitt Drown. Peoria, 1850."

This is one of those volumes of local description written by a man that was interested in antiquarianism, who made a compilation, the basis of which was descriptions and histories written by others, and also the reminiscences of the men among whom he lived. Historians would use this as source material, accepting those statements in it which would be based upon information which he might well have obtained. 301

This book was used by Judge McCulloch. I find in it a reference to the Desplaines-Chicago river route on page 83.

Whereupon said extract was read into the record, as follows:

"Another of our old pioneers and citizens, who is still with us, Mr. John Hamlin, of Mass. He came here in the spring of 1821 from Springfield, in company with Judge Lockwood, Judge Latham (who afterwards became a citizen and proprietor of city lots, and died here in 1826, and whom I shall have occasion hereafter to notice.) Maj. Iles, Gen. J. Adams, and a Mr. Winchester, Maj. Graham, Indian agent, of St. Louis, came here about that time with a keel-boat and proceeded up to La Salle prairie (Rome) where he paid off the Indians their annuity. Some of them returned and settled here subsequently, and became useful citizens in building up our city.

In 1832, an Indian Agency has opened and established here by the Government, of which Judge Latham was appointed Agent, in place of Maj. Graham, of St. Louis, where it had heretofore been kept. John Hamlin, Esq., was a clerk, in and kept a branch of the American Fur 302 Company's store in this place, in one of the buildings in the center of the view between Water-st. and the Lake—the building from the right, just below the Inn sign-post. In this store were kept Indian commodities chiefly. A portion, however, was adapted to the wants of the citizens, who, at this time, were few. Mr. Hamlin while thus engaged in this store, exported the first produce to Chicago in 1825, in keel boats as far as the mouth of the Kankakee river, and from there in Durham boats to Chicago, (having built a storehouse at the former place to store in from the keel boats, to be taken by the Durham boats up the Aux Plain river.

The principal articles exported were pork, beans, and other provisions for the use of the Fur Company. There were but a very few families till within a few years of this time, in the present bounds of the city, till about 1832."

Professor Alvord (continuing): If the historian were going to use this material he would regard Drown's Peoria as belonging to the primary source of materials, containing information by a man who would have been able to have perceived things himself and would have been able to have learned from others the facts. He would not use Drown's for the history of the 18th century. That he has taken, of course, 303 from other narratives, and he is not a trained historian capable of estimating historical evidence, but that information contained in the book, based upon his own observations, or based upon the observation of others, would be taken by historians as source material, and so used as they use other source material. I would regard the facts stated as of weight to be taken into consideration in connection with facts stated by others of a similar nature. All good histories are based upon the use of such material, and the fact that the historian states ultimately is the one which he deducts from a number of statements of that kind, from that class of material, and that is the way we have to write history.

I stated that David McCulloch had given some consideration to the book to which I have just referred. Mr. McCulloch is dead.

304 The book is now shown me is entitled, "Early Days of Peoria and Chicago, by David McCulloch," which I have

already characterized. And he refers in this book to the Hamlin incident covered by Mr. Drown's book, as follows:

> "The difficulties and dangers accompanying trade and travel in those early days may be illustrated by a very few incidents. Farmers were accustomed to haul their grain, pork and other products from Peoria to Chicago by wagon, and there to purchase lumber for their houses, salt for their pork and supplies for their families. Those doing business on the river transported their pork, furs, peltries and other products by Mackinaw boats and canoes, making the portage between the Desplaines and Chicago rivers by land. While in the fur business at Peoria, John Hamlin conceived the bold idea of shipping his pork by keel-boat a portion of the distance, the remainder by Mackinaw boat to Chicago. Packing his pork in a keel boat and his furs in a Mackinaw boat, he proceeded to the mouth of the Desplaines, where he unloaded his keel-boat and built a depot for his pork, leaving the
> 305 same in charge of some boatmen, while he went through with his Mackinaw boat by way of Summit and Mud Lake to the Chicago river and arrived safely at Chicago with his furs. He then returned and brought his pork through in the same way, thus establishing a continuous waterway for trade between the Great Lakes and the Mississippi Valley."

Whereupon the attorneys for the government offered in evidence the "Report of the Select Committee to which was referred on the 3rd ultimo, a memorial of the General Assembly of Illinois, upon the subject of a Canal Communication between the Illinois river and Lake Michigan, accompanied with a bill to aid the State of Illinois in the accomplishment of the same," which is found in the Reports of Committees, 18th Congress, Second Session, printed under the authority of Congress, Report No. 53, as follows:

> "February 1, 1825. Read, and, with the Bill, committed to a Committee of the whole House.
>
> The Select Committee to which was referred the memorial of the General Assembly of the State of Illinois, praying for aid from the United States in opening a canal to connect the water of the Illinois river and Lake Michigan, respectfully submit the following report.
>
> The memorial represents that the committee find to be true, that in 1820, a law was passed by Congress, author-

izing the said state to open a canal through the public lands to effect this communication, which is required to be done within a given period. It further represents that 306 the General Assembly has already proceeded so far as to appoint commissioners to explore the route and prepare the necessary surveys and estimates preparatory to its execution. It further represents that the state is unable out of its own resources, to defray the expense of the undertaking; and, therefore, prays Congress to make to the state a grant of public land, of such other assistance, as may be though most proper to enable the state to proceed with the work.

In examining this subject, the attention of the committee has been drawn to several points which seem naturally to bear upon it; the first, as to the practicability of making the proposed connection of those waters. On this branch of their inquiries the committee can see no room to doubt. Although the report of the state commissioners and engineers had not been made to the General Assembly at the time of adopting the memorial that has been referred to the committee, the Legislature of that state entertained no doubt on that point. Such, indeed, is the concurrence of scientific observation and actual experience in relation to that fact, that, in order to establish it the report was not necessary. The experience to which the committee refers, is that of many years, and which is matter of historical notoriety. It is that of repeated passages having been made, by uninterrupted navigation from the river into the lake. With respect to the 307 scientific observations that have been made, the committee refer to the report of Major Long to the Secretary of War, in 1817, and which was printed by order of Congress. In this report (see vol. 2, No. 17, of the Reports of the session of the ——— Congress) it is stated that 'the Illinoi river is about 300 miles in length, and is of variable width, from seventy yards to one mile. It has a very moderate current, and a depth of water sufficient to render it navigable, at all times, for boats of considerable burden, about 230 miles from its mouth.' In speaking of the proposed canal, Major Long observes, 'a canal uniting the waters of the Illinois river with those of Lake Michigan, may be considered the first in importance of any in this quarter of the country, and at the same time the construction of it would be attended with very little expense compared with the magnitude of the object. By a reference to the document before referred to it will also be seen that another report was made on the same subject by Richard Graham, Esq., and the late Chief Justice Philips, of the State of Illinois. Without quoting particularly from their intelligent report, it will be sufficient to observe that they coincide substantially with Major Long. They present, however, the further fact, that it is perfectly practicable so to employ the water of the lake, as to furnish a full supply of water for the canal."

308 Counsel for the government also offered in evidence the report of the Committee on Roads and Canals, "to which was referred a memorial of the General Assembly of the State of Illinois, concerning a canal to connect Lake Michigan and the Illinois river, the same having been made March 30, 1826," which is found in the Report of Committees, first session, 19th Congress, published under authority of Congress, and stated that the full committee adopted the report of the Select Committee which has just been offered in evidence and that the final report of the entire committee was the same as the Select Committee, and it is not recopied in the record because it is a mere reproduction of the preceding extract.

309 Professor Alvord (continuing): The book which is now shown me is entitled:

"The American Gazetteer, exhibiting, in alphabetical order, a much more full and accurate account, than has been given, of the States, Provinces, Counties, Cities, Towns, Villages, Rivers, Bays, Harbours Gulfs, Sounds Capes, Mountains, Ports, Indian Tribes, & New Discoveries on the American Continent, also of the West-India Island." etc.; "Collected and compiled from the best authorities and arranged with great care, by, and under the direction of, Jedidiah Morse, D. D. Author of the American Universal Geography; Fellow of the American Academy of Arts and Sciences; and Member of the Massachusetts Historical Society."

Printed in Boston in 1797.

310 Professor Alvord (continuing): In the preface of this book, beginning on page iii is the following:

"The design of compiling and publishing an American Gazetteer, was conceived, by the Author of the following Work, as early as the year 1786, while he was travelling through the United States, for the purpose of collecting materials for his American Geography. This design, perfectly coinciding in its subject with his other work, has never since been relinquished: Opportunities have been carefully improved to procure information necessary to its accomplishment.

The Author's professional duties, however—the delicate state of his health, and the attention he has found it necessary to pay to the revision, correction and enlargement of the several editions of his Geographical Work, have delayed the completion of the Gazetteer much longer than was at first contemplated; but the delay has enabled him to render the work much more accurate and perfect, than it otherwise must have been, by availing himself of a large mass of information, contained in the numerous maps, pamphlets and larger works, which have been brought into public view, in the course of a few years past.

Soon after the plan of this work was conceived, and some little progress made in collecting materials for its 311 accomplishment, the author was informed that Capt. Thomas Hutchins, then Geographer-General of the United States, contemplated a work of the same kind; to him, as being from the nature of his office, far more competent to the task, he cheerfully resigned his pretensions, and made a tender of all the materials he had collected. But, with a kindness and generosity which flowed naturally from his amiable and noble mind, Capt. Hutchins declined the offer, relinquished his design, and put into the hands of the author all the collections he had made, together with his maps and explanatory pamphlets, which have contributed not a little to enrich this work.

The same kind of liberality was received from the Rev. Dr. Belknap, of Boston, who had also meditated a work of this sort. From his manuscript minutes, especially from the third volume of his valuable history of New Hampshire, and also from his entertaining volume of American Biography, very considerable assistance has been derived."

Professor Alvord (continuing): The portion of this book which appears under the heading "Illinois" is as follows:

"Illinois, a large navigable river of the N. W. Territory, formed by the confluence of the rivers Plein, and

Theakiki, in 41° 48′ N. lat. and 88° 42′ W. longitude.
This noble branch of the Mississippi, after running a
serpentine S. W. course, through an extensive country of
rich, fertile land, and receiving a vast number of rivers
312 from 20 to 100 yards wide, which are navigable for boats
from 15 to 180 miles, approaches within 5 miles of the
Mississippi from thence running eastward about 12 miles,
it pays its tribute by a mouth of 400 yards wide, in 38°
40′ N. lat. and in 92° 12′ W. longitude; opposite the large
cave, 176 miles above the Ohio and 18 above the Missouri.
The lands on the banks of the Illinois, particularly those
on the S. E. side, are perhaps as fertile as any part of
North America. They produce in the most luxurient
plenty, wheat, rye, Indian corn, peas, beans, flax, hemp,
tobacco, hops, grapes, apples, pears, peaches, dying
roots, medicinal plants, &c. Here also grows large forests
of hickory, oak, cedar, mulberry trees, &c. Savannas, or
natural meadows are both numerous and extensive. In
the forests are great variety of animals, as buffaloes,
deer, &c., and in the rivers are plenty of fish, particularly
cat, carp, and perch of an enormous size. Such
is the abundance of wild grapes in this country, that in
the year 1769, the French planters upon this river made
above 110 hhds. of strong wine, from these grapes. On
the northwestern side of this river is a coal mine, which
extends for half a mile along the middle of its banks, and
about the same distance below the coal mine are two salt
ponds, 100 yards in circumference, and several feet in
depth. The water is stagnant and of a yellowish colour;
but the French and natives made good salt from it.
313 The Illinois furnishes a communication with lake Michigan,
by Chicago river, between which and the Illinois
are two portages the length of which do not exceed 4
miles. The whole length of the river from the source
of Theakiki, which is but a short distance from the river
St. Joseph, opposite to Fort St. Joseph on the north is
430 miles. The Indians have ceded to the United States,
by the treaty of Greenville, in 1795, a tract of land 12
miles square, at or near the mouth of the Illinois; also
a tract 6 miles square, at the Old Prairias fort and village
near the south end of Illinois Lake. That lake is only
a dilation of the river, and is situated about 240 miles
below the source of Theakiki, and 43 below the Salt

Ponds. It is 20 miles long and 5 miles broad in the middle."

Professor Alvord (continuing): Under the title "Michigan," I find the following:

"Michigan Lake, in the N. W. Territory, is the largest and most considerable lake, which is wholly within the United States, and lies between lat. 42° 10′ and 45° 40′ N. and between 84° 30′ and 87° 30′ W. long. Its computed length is 280 miles from north to south; its breadth from from 60 to 70 miles, and its circumference nearly 600 miles; and contains, according to Mr. Hutchins, 10,368,000 acres. It is navigable for shipping of any burden; and communicates with Lake Huron, at the northeastern part, through the Straits of Michillimakkinak. The straits is 6 miles broad, and the fort of its name stands on an island at the mouth of the strait. In this lake are several
314 kinds of fish, particularly trout of an excellent quality, weighing from 20 to 60 pounds; and some have been taken in the strait which weighed 90 pounds. On the N. W. parts of this lake, the waters push through a narrow strait, and branch out into two bays: That to the northward is called Moquet's Bay, and the other to the southward, Pauns, or Green Bay, which last with the lake, forms a long peninsula, called Cape Townsend, of Vermillion Point. About 30 miles S. of Bay de Puans, is Lake Winnebago, which communicates with it; and a very short portage interrupts the water communication, northwestward from Winnebago Lake through Fox river, then through Ouisconsin, into the river Mississippi. Chicago river, also at the S. W. extermity of Lake Michigan, furnishes a communication interrupted by a still shorter portage, with Illinois river. See all these places mentioned under their respective names. Lake Michigan receives many small rivers from the W. and E. some 150 and even 250 yards broad at their mouths. See Grand, Masticon, Marame, St. Joseph, &c."

Professor Alvord (continuing): Under the heading "Plein" I find the following:

"Plein river, the northern headwater of Illinois river. It interlocks with Chicago river, a water of Lake Michigan. Forty miles from its source is the place called
315 Hid-Island; 26 miles further it passes through Dupage Lake; and 5 miles below the lake, and southward of Mount

> Juliet, it joins Theakiki river, which comes from the eastward. Thence the united stream assumes the name of Illinois. The land between these branches is rich, and intermixed with swamps and ponds."

The book which is now shown me is entitled "The Navigator, Containing Directions for Navigating the Ohio and Mississippi Rivers; With an Ample Account of These Much Admired Waters, From the Head of the Former, to the Mouth of the Latter; And a Concise Description of their Towns, Villages, Harbors, Settlements, &c., With Maps of the Ohio and Mississippi, To which is added an Appendix Containing an Account of Louisiana, and of the Missouri and Columbia rivers, as Discovered by the Voyage under Capts. Lewis and Clark." Published at Pittsburg, 1824.

In the advertisement at the beginning we find the following:

> "This edition of the Navigator, being the eleventh since the year 1801, is respectfully presented to the public. It being designedly calculated as an useful and necessary, guide to those who navigate or trade on the rivers of which it treats—much pains have been taken to revise, correct, and enlarge it throughout. To do this satisfac-
> 316 torily, we have had the assistance of several of the most eminent pilots and navigators, and the use of late manuscript journals of gentlemen of observation, to whom we present our compliments for their aid and politeness. * * *
>
> This edition is considerably enlarged by a more comprehensive description of the principal towns on and adjacent to the rivers; their commerce and manufactures; natural curiosities of the country, &c. The directions for navigating the Mississippi river from the mouth of the Illinois to that of the Ohio river, with the description of the district of Mobile, and geographical notice of Florida, will be found interesting."

This book is regarded by historians as the source of information in regard to the west and the navigation of the rivers in the west and has been used as such by historians. I find in this book a passage at page 113 a reference to the river route in question.

Whereupon said extract was read into the record as follows:

> "Between a branch of the Illinois and the Chicago river, which empties into Lake Michigan, there is a port-

age of two miles; from this portage to the lake is a batteaux navigation of 16 miles. By this happy connection of waters, there is a complete communication from New York to New Orleans, through that northern and exten-
317 sive route, having only about 28 miles land carriage in the distance of nearly 4000 miles, the greatest stretch of inland navigation perhaps known in the world. This route from New York is by the Hudson river to Albany; thence by land to Schenectedy, 16 miles; thence up the Mohawk river, and through a canal of 4 miles into Wood creek; thence into Lake Ontario, and up that lake and Niagara river to Queenstown, 7 miles below the falls of Niagara; thence ten miles land carriage around said falls to Chippeway; thence up the river into lake Erie, and through that lake into lake St. Clair; thence into lake Huron, through Lake Michigan, and into the Chicago river mentioned above; thence down the Illinois and Mississippi rivers. This route comprehends the most extensive channels, and gives a wide scope to trade in general, and may one day be made a very profitable use of to individual citizens, as well as highly advantageous to the trade and commerce of the United States, especially if they get possession of the northern fur trade now carried on by the British."

Professor Alvord (continuing): In the statement introduced into the record by Mr. Hubbard there was a reference to a French fur trader named Sara. Sara was a very fa-
318 mous fur trader that went down to Illinois and settled at Kaskaskia in 1756. He remained there until 1779 or 1780 after the occupation by the Virginia troops of the Illinois country. He was without doubt the wealthiest of the French traders in that region and one of the most important men. George Rogers Clark found it for his advantage to win Sara, although Sara had belonged previously to the party opposed to the American influence. I have made a considerable study of Sara's life and know his descendents in St. Louis where he himself removed in 1779 or 1780 and lived until his death. He carried on an immense fur trade between Canada and the Illinois country.

I have already identified the book entitled "Chicago Antiquities," by Hurlbut. Beginning on page 84 there is an explanation of the letters which have been here printed. (Reading):

319 "We copy below, from an old Maryland periodical, several letters written many years ago, giving some account of the outdoor amusements in those days. One of the communications, in the spirit of prophecy, refers to a future railway from Baltimore to Rock River, before there was any railroad west of the Alleghenies. Some names of localities will not, perhaps, be recognized at the present time; we do not know anything of the 'Guilleroi' and we are unable to place the 'little woods,' or the 'Big Wabiskokie.' The 'little woods,' however, were somewhere on the south side, and the 'Guilleroi' on the north. We have sometimes known the Desplaines river referred to as 'the Kickapoo branch of the Illinois;' we are here told that the 'Aux Pleins' means soft maple. One of the marshes near that river, it seems, was known as the 'Sa-gua-nash.' Possibly one of those letters presents the earliest known poetical effusions from Chicago; the quality of the stanzas we are not of course called to pass upon; but after presenting the relic, we have, it is supposed, done our part. In these letters we detect, from certain initials, various names familiar no doubt to the reader, The 'Capt. S.' was, we believe, the noted Martin Scott, who was afterwards killed, at the head of his regiment, at the battle of El Molino del Rey, 8th Sept., 1847. We add the names of Dr. Clement A. Finley, Major Robert Kinzie, Dr. Philip Maxwell, and Hon. James Grant, 320 now of Davenport, Iowa. The 'Mr. B.' and 'Mr. C.' may have been Mr. Beaubein and Mr. Clybourn, or possibly others. J. G. F., the writer of four of these letters, was 2d Lt. John G. Furman, of the 5th Inf'y, U. S. A., who died at Fort Dearborn, that same year, Aug. 29, 1830. 'J. F. G.,' the writer of the last letter, we do not positively identify."

On page 88 there is a letter signed "J. G. F.", or Lieutenant John G. Furman, of the Fifth Infantry, United States of America, as follows:

"Fort Dearborn, Chicago, Ill., June 13, 1830.

Mr. Editor: In the month of April, 1829, I was ordered to proceed from this post, to pursue several deserters, with a party of five men in a canoe. We passed up the left branch of the Chicago to its source, and thence, in a heavy snow storm during a night 'as black as Erebus,' through 'Lac Marias' into the river Aux Pleins (Soft Maple River.)

The prairie between these streams is at all times swampy; during the spring floods, a considerable lake is formed, the waters of which flow simultaneously through the Chicago, the Aux Pleins, and Illinois Rivers, into the great northern lakes, and into the Mississippi. Here, after the waters have subsided, vast quantities of aquatic
321 fowl congregate to feed upon the wild-rice, insects, etc., that abound in it. Swan, geese, and brant, passing to and fro in clouds, keep an incessant cackling; ducks of every kind, from the ballard and canvass-back, down to the tiny water-witch and blue-winged teal, add their mite to the 'discord dire,' while hundreds of gulls hover gracefully over, ever and anon plunging their snowy bosoms into the circling waters. In April, myriads of plover and snipe take the place of the aforementioned; still later, great quantities of woodcock, grouse, and ortolane, make their appearance in the neighborhood. Of these, we may hereafter send you some account; and when the 'railroad' is finished between Baltimore and Rock River, perhaps you may be induced to come out and take a week's sport with us, or if you cannot spare time, we must try and pack up some of our good things in ice and send on a locomotive steam-propelled car. But my present object is not to speculate on what may happen, but to relate something that has occurred. 'Arma, virumque cano,' 'be silent that you may hear.' One of the five men accompanying me in the trip mentioned above is named Harthaway. While descending the Aux Pleins river, I saw this man, on the 27th of April, shoot six shots in succession, off hand, with a smooth bored rifle, loaded each time with a single ball, standing in the canoe while it was descending with the current, the men
322 stopping paddling only long enough to give him time to shoot. In the first five shots he killed five blue-winged teal,—one at each shot,—the ball striking either on the head or on the neck, not half an inch below the junction of the head with the neck; in the sixth shot he killed a plover flying, shotting it through the body. Of course, I cannot be accurate as to the distance, but as near as I recollect, he was not nearer at any time than thirty yards. This shooting I never saw equalled; and as it may appear almost 'too good' to some of your readers, I herewith forward the affidavit of the only two men now remaining

at the post, who went with me, in confirmation of my statement.

Respectfully, your obedient servant,

J. G. F.

We certify, that having carefully perused the above account of Harthaway's shooting, we find it true and accurate in all its parts. Given under our hands, at Chicago, this 14th day of June, 1830.

DAVID VANDIGRIST.
JOHN VAN ALSTINE.

Witness—
A. B. FOSTER."

323 PROFESSOR ALVORD (continuing): The book to which my attention is now directed is entitled "The History and Geography of the Mississippi Valley. To which is Appended a Condensed Physical Georgraphy of the Atlantic United States, and the whole American Continent. Second Edition. By Timothy Flint, Author of 'Recollections of the Last Ten Years in the Mississippi Valley.' In two Volumes. Vol. 1. Cincinnati, 1832."

Timothy Flint was a very famous writer, and western pioneer. He was born in Massachusetts in 1780 and died in Salem in 1840. He was a Congregational minister and missionary to the Mississippi Valley after 1815. He left the active practice of ministry and became a teacher at Cincinnati and on the Red River. In 1825, broken in health, he went back to Massachuetts. In 1833 he was editor of the Knickerbocker Western Review, Cincinnati, and lived at Alexandria, Virginia. He published a history and geography of the Mississippi Valley, Indian Wars in the West; Memoir of Daniel Boone; Recollections of the Last Ten Years in the Mississippi Valley.

Flint was one of the most widely read writers on the
324 west of his age. His books had a very large sale, both in this country and in Europe. He traveled extensively over the west and everybody has given him the reputation of being a keen observer and a man who was careful in making statements of facts. On page 322 of his book occurs the following:

"Rivers. It is only necessary to look on the map of this state, to see what astonishing advantages for inland navigation nature has given it. On its northern extent, it has for a great distance the waters of lake Michigan, and

the boatable streams that empty into it; and by this vast body of waters, a communication is opened with the northern fronts of Indiana and Ohio; with New York and Canada. On the north-west frontier it has Rock River, a long, beautiful and boatable river of the Mississippi. On the whole western front it is washed by the Mississippi; and on its northern by the Ohio. On the east it is bounded by the Wabash. Through its centre, winds, in one direction, the Illinois, connecting the Mississippi with lake Michigan by the Plein and Kankakee, a river, excepting a short distance of shoals, almost as uniformly boatable as a canal; and in another direction, the beautiful Kaskaskia winds through the state. Besides these, there are great numbers of boatable streams, penetrating the state in every direction. Such is the intersection of this state by these waters, that no settlement in it is far from a point of boatable communication, either with lake
325 Michigan, the Mississippi, or the Ohio. It may be added, that when the state shall have been inhabited as it will be, as no country affords greater facilities for making canals, from the friability of the soil, its levelness, and the proximity of the source of the boatable waters to each other, canals will complete the chain of communications, and transport will be almost as entirely by water in Illinois, as it now is in Holland or China. At present the state is supposed to have 4,000 miles of boatable waters in her limits.

The Illinois, which gives name to the state, may be considered the most important river, whose whole course is in it. It rises in the northeastern parts of the state, not more than 35 miles from the south-western extremity of lake Michigan, and interlocking by a morass with the river Chicago, which empties into that lake. Its two main head branches are Plein and Kankakee. Thirty miles from the junction of these rivers, enters Fox River, from the north. Between this and the Vermillion, enter two or three inconsiderable rivers. The Vermillion, is a considerable stream, which enters the Illinois from the South, 260 miles above the Mississippi. Not far below this river, and two hundred and ten miles above the Mississippi, commences Peoria lake, which is no more than an enlargement of the river, two miles wide, on an average, and twenty miles in length. Such is the depth and
326 regularity of the bottom, that it has no perceptible cur-

rent whatever. It is a beautiful sheet of water, with romantic shores, generally bounded by prairies; and no waters in the world furnish finer sport for the angler. M'Kee's and Red Bud enter not far from this point. Crow-Meadow River almost interlocks, at its cource, with the Vermillion of the Wabash. Two or three inconsiderable streams enter the river from the north, not far from the lower extremity of Peoria lake. Still lower down enters from the south Michilimackinack, a very considerable stream, boatable nearly an hundred miles from the river into the interior. Below this enter Spoon and Crooked Rivers. Still lower down on the same side enters the Sangamon by a mouth 100 yards wide; and is boatable 140 miles. From its position, and the excellence of its lands, it is one of the most important rivers of the state. Chariton, Otter, Apple and Macoupin rivers are all considerable streams, that water fine tracts of country.

On the north side of the Illinois, the rivers that enter on that shore, have their courses, for the most part, in mountainous bluffs, which often approach near the river. For a great distance above its mouth, the river is almost as straight as a canal; has in summer scarcely a perceptible current, and the waters, though transparent, 327 have a marshy taste to a degree to be almost unpotable. The river is wide and deep; and for the greater part of its width, is filled with aquatic weeds, to such a degree that no person could swim among them. Only a few yards width, in the centre of the stream, is free from them. It enters the Mississippi, through a deep forest, by a mouth 400 yards wide. Perhaps no river of the western country has so fine a boatable navigation, for such a great distance, or waters a richer and more luxuriant tract or country. On the banks of this river the first French immigrants from Canada fixed themselves; and here was the scenery on which they founded their extravagant paintings of the western country. By a moderate amount of labor and expense, this river might be united with the Chicago of lake Michigan. Appropriations have already been made by the state for the canal, that is intended to effectuate this purpose. We have already remarked, that at certain seasons of the year, boats of five tons burden already pass through the morass, from one extremity of which the waters are discharged into the Chicago of lake Michigan; and from the other into the

Plein of the Illinois; thus furnishing a natural communication between the two rivers, whose outlets are so wide and opposite from each other. Indeed, by the most obvious appearances, along the Illinois and some of its waters; as the Plein for example, it is manifest, that lake Michigan once discharged at least a part of its surplus
328 waters into the Mississippi. This, too, may explain the obvious appearance in that lake, of being now many feet lower than once it was. This fact is palpably marked every where along the rocky shores of the lake."

Professor Alvord (continuing): The next book called to my attention is entitled "Narrative of an Expedition Through The Upper Mississippi to Itasca Lake, the Actual Source of this River; Embracing an Exploratory Trip Through the St. Croix and Burntwood (Or Broule) Rivers; In 1832. Under the Direction of Henry R. Schoolcraft."

The book is dedicated to Gen. Hugh Brady of the United States Army. In the preface occurs the following:

"The Hon. Hugh Brady, of the United States Army."

"The circumstances under which the present expedition was undertaken, are indicated in the following extract from the letters of instruction.

Detroit, Aug. 9, 1830.

Sir: I have been directed by the War Department to request you to proceed into the Chippewas country, to endeavor to put an end to the hostilities between the Chippewas and the Sioux. The general route must be left to your discretion. Whether it will be necessary for you to go beyond Fond du lac, you can best determine on your arrival there. From the limited means applicable to this object, I am apprehensive that your journey cannot be extended beyond that place. But in that event, it will be necessary to summon some of the principal Mis-
329 sissippi Chiefs to meet you, as without concurrence no durable pacification can be effected." * * *

(Signed "Lew. Cass."

August 9, 1830.

Professor Alvord (continuing): The letter is dated August 9, 1830.

Whereupon there was read into the record the following letter dated May 3, 1832:

"Department of War,
Office of Indian Affairs, May 3rd, 1832.

Sir:

330 Your letter of Feb. 13th has been received and its general views are approved. The Secretary of War deems it important that you should proceed to the country upon the heads of the Mississippi, and visit as many of the Indians in that, and the intermediate region, as circumstances will permit.

Reports have reached the department, from various quarters, that the Indians upon our frontiers are in an unquiet state, and that there is a prospect of extensive hostilities among themselves. It is no less the dictate of humanity, than of policy, to repress this feeling, and to establish permanent peace among these tribes. It is also important to inspect the condition of the trade in that remote country, and the conduct of the traders. To ascertain whether the regulations and the laws are complied with, and to suggest such alterations as may be required. And finally to inquire into the numbers, standing, disposition and prospects of the Indians, and to report all the statistical facts you can procure and which will be useful to the government in its operations, or to the com-
331 community in the investigation of these subjects. * * *

Signed Elbert Herring."

Professor Alvord (continuing): Elbert Herring was in the Department of War, Office of Indian Affairs.

In Schoolcraft's book entitled "Narrative of an Expedition Through the Upper Mississippi," etc., at page 121, occurs the following passage:

"Introductory Memoranda.

The principal points at which the waters of the Mississippi River, communicate, by interlocking rivers and portages, with the lakes, are the following, proceeding from south to north, namely.

1. By the Illinois and Chicago Creek, (with Lake Michigan.)
2. By the Wisconsin and Fox Rivers, (with Green Bay.)
3. By the Chippewa and Mushkee (or Mauvals) Rivers, (with Lake Superior.)
4. By the St. Croix and Burntwood (or Brule) Rivers. (do)
5. By the Savanne and St. Louis Rivers. (do)

> The routes by the Illinois, and by the Wisconsin, were first laid open by French enterprise, and have been used for canoes and flat-bottomed boats in their natural state, and without any practical improvement which as yet, facilitates the communication, about a hundred and sixty
> 332 years. They are so familiar in our geography, have been so much explored, and are so well appreciated, as prominent points for effecting canal and rail-road routes, that it is only to be desired that early and efficient measures should be taken for opening them."

Professor Alvord (continuing): The next book called to my attention is entitled "A Winter in the West" by A New Yorker. In Two Volumes. Volume 1. New York. 1835."

The book is written, as is well known, by Charles F. Hoffman, who was a son of Judge J. Ogden Hoffman, and was born in New York in 1806. He studied law, which he practiced several years. He was editor, with Charles King, of New York of The American, and begun the Knickerbocker Magazine. Mr. Hoffman's description of the West has been regarded by historians and others as containing facts within his observation, and also knowledge that he has obtained from others. He has a very great reputation as a narrator of his experiences in the west. In his preface he says:

> "Several of these letters have already appeared in the New York American:—the favourable reception they have met with has induced the writer to complete the series and publish them in the present form. In preparing them for publication, he has thought proper to illustrate some of the facts contained in them, by observations derived from other sources or made subsequent to
> 333 their date. These additions the author has preferred to place in an appendix, rather than imbody them with the original matter, as he feared that whatever attraction his sketches of scenery and manners might possess would evaporate upon throwing them into a different form, and their chief merit as first and faithful impressions would be lost. The eloquent writings of Mr. Flint, the graphic sketches of Judge Hall, and the valuable scientific researches of Mr. Schoocraft, Professor Keating, and the lamented Say, have already made the regions described in these pages well known to the public; but there is an ever-salient freshness in the theme of 'The Far West.'"

On page 242 of his book occurs a letter which is dated Chicago, Illinois, January 10, 1834. The passage I am about to read begins on page 243 and is as follows:

"The town (Chicago) lies upon a dead level, along the banks of a narrow forked river, and is spread over a wide extent of surface to the shores of the lake, while vessels of considerable draught of water can, by means of the river, unload in the centre of the place. I believe I have already mentioned that four-fifths of the population have come in since last spring; the erection of new buildings during the summer has been in the same proportion; and although a place of such mushroom growth can, of course, 334 boast of but little solid improvement in the way of building, yet contracts have been made for the ensuing season which must soon give Chicago much of that metropolitan appearance it is destined so promptly to assume. As a place of business, its situation at the central head of the Mississippi Valley will make it the New Orleans of the north; and its easy and close intercourse with the most flourishing eastern cities will give it the advantage, as its capital increases, of all their improvements in the mode of living.

There is one improvement to be made, however, in this section of the country, which will greatly influence the permanent value of property in Chicago. I allude to a canal from the head of Lake Michigan to the head of steam navigation on the Illinois, the route of which has been long since surveyed. The distance to be overcome is something like ninety miles; and when you remember that the head-waters of the Illinois rise within eleven miles of Chicago River, and that a level plain of not more than eight feet elevation above the latter is the only intervening obstacle, you can conceive how easy it would be to drain Lake Michigan into the Mississippi by this route; boats of eighteen tons having actually passed over the intervening prairie at high water, Lake Michigan, which is several feet or more above Lake Erie, would afford such 335 a never-failing body of water that it would keep steamboats afloat on the route in the driest season. St. Louis would then be brought comparatively near to New York, while two-thirds of the Mississippi Valley would be supplied by this route immediately from the markets of the latter. This canal is the only remaining link wanting to complete the most stupendous chain of inland communication in the world. I had a long conversation this morning, on the subject, with Major N., the United States' engineer, who is engaged in superintending the construction of a pier at this place. He was polite enough to sketch the main features of the route with his pencil, in such a manner as to make its feasibility very apparent. The canal would pass for the whole distance through a prairie country, where every production of the field and the garden can be raised with scarcely any toil, and where the most prolific soil in the world requires no other preparation for planting than passing the plough over its bosom. The most effectual mode of making this canal would be to give the lands along its banks to an incorporated company, who should construct the work within a certain time. The matter is now merely agitated at elections as a political handle."

Professor Alvord (continuing): The statement just referred to as contained in the Volume of Henry R. Schoolcraft as follows:

336 "The routes by the Illinois, and by the Wisconsin, were first laid open by French enterprise, and have been used for canoes and flat-bottomed boats in their natural state, and without any practical improvement which as yet, facilitates the communication, about a hundred and sixty years",

coming from a man like Mr. Henry R. Schoolcraft would be regarded by historians as a statement by a man that was well versed in the history of the region, had made a special study of just such conditions, had had opportunities to talk with very many traders, who were accustomed to use the various trading routes, between the Mississippi waters and the great lakes, and therefore it would be given great weight as historical testimony.

337 The passage just referred to in the volume of Charles F. Hoffman entitled "A Winter in the West," has been used by Hurlbut in his "Chicago Antiquities," page 244, where occurs the following:

"We copy below a few pages from C. F. Hoffman's Winter in the West, published in New York 1835. Mr. Hoffman reached Chicago on or about the last day of the year 1833, spending here some two weeks. He had, as we infer, left New York in the month of October preceding, and, passing through New Jersey and Pennsylvania, reached the Ohio river at Wheeling, Va.; thence via Pittsburgh," etc.

On page 243 Mr. Hurlbut has reprinted this letter of Hoffman's, dated at Chicago, January 10, 1834, in which occurs the passage already quoted. I do not think the quotation of this passage by Hurlbut in "Chicago Antiquities" would add anything; that is, Mr. Hoffman would have a standing all by himself, and a quotation by Hurlbut would not in the minds of the historians particularly strengthen the passage that could be found in the original.

338 The book which is now shown me is entitled "The History of Will County, Illinois, containing a History of the County, its Cities, Towns, &c.; a Directory of its Real Estate Owners; Portraits of Early Settlers and Prominent men; General and Local Statistics; Map of Will County; History of Illinois, Illustrated; History of the Northwest, Illustrated; Constitution of the United States, Miscellaneous Matters, &c. Chicago, 1878."

I find in the preface the following statement:

"In presenting our History of Will County, we deem a few prefatory words necessary. We have spared neither pains nor expense to fulfill our engagement with our patrons and make the work as complete as possible.
339 We have acted upon the principle that justice to those who have subscribed, be they few or many, requires that the work should be as well done as if it was patronized by every citizen in the country. We do not claim that our work is entirely free from errors; such a result could not be attained by the utmost care and foresight of ordinary mortals. The General History of the County was compiled by Hon. Geo. H. Woodruff, of Joliet, and the Township Histories by our historians, W. H. Perrin and H. H. Hill. Some of the Township Histories are indeed longer than others, as the townships are older, containing larger cities and towns, and have been the scenes of more important and interesting events."

Professor Alvord (continuing): Local historians who have compiled this book and other volumes like it, have had
340 access to material that is not easily accessible to the general historian; and therefore they have used not only this book but books of this general character as source material for information on local conditions. I find in this book on

page 607 a passage which refers to the use of the water route between Lake Michigan and the Desplaines river:

Whereupon said extract was read into the record, as follows:

> "The Kankakee being navigable for small steamers to the eastern point, an outlet is thus furnished for the upper portion. Though navigation has been improved by the building of the dams at Wilmington, it has in reality been used for that purpose during wet seasons since the earliest settlements of the adjacent country. As early as 1834, the products of the farm were boated down the Kankakee to the Desplaines, and up the latter river to Chicago. It is related that during the year named some parties loaded a boat on Sugar Creek, a tributary to the Iroquois, with 300 bushels of oats, 300 bushels of wheat and some hams, with the design of taking them to Chicago to supply the garrison stations there. The trip down the Kankakee was accomplished without accident or unusual trouble; but after entering the Des Planes, when near Treat's Island, the boat dipped water and so dampened the grain that they were obliged to unload and try to dispose of their produce at that point. At that time, settlers were arriving in that neighborhood quite rapidly,
> 341 and they had no trouble in disposing of their whole cargo, —the oats at 50 and the wheat at 75 cents per bushel. At present, small steamers owned by Messrs. Small of Wilmington, and Stephen F. Hanford, of Warner's Landing, ply regularly between these points and Chicago, carrying to that city corn, oats, rye and other products, and bringing back lumber, salt, and other heavy articles. The 'Landing', which is located near the eastern point of the township, is considered the head of navigation during the dry season, but when the river is ordinarily full, boats can run much higher."

Whereupon counsel for the government introduced into the record from the report of the Secretary of War during the 3rd Session of the 40th Congress, 1868-1869, the report of James H. Wilson, Lieutenant Colonel, 35th Infantry, Brevet Major General U. S. A., and William Goodwin, United States Civil Engineer to the Secretary of War. Said extract was as follows (p. 439):

"Report upon the Survey of the Illinois River. United

States Engineer Office, Davenport, Iowa, December 17, 1867.

Having been designated by direction of the Secretary of War through engineer orders dated Washington, May 8, 1867, as a Board to conduct surveys and examinations and to prepare plans and estimates for a system of navigation by way of the Illinois river between the Missis-
342 sippi and Lake Michigan adapted to military, naval and commercial purposes, in accordance with the Act of March 2, 1867, we have the honor to submit the following report." * * *

Omitting Page 439.

"By a careful examination of the report and profiles of this year's survey, with the map herewith submitted, it will be seen that the location of the present canal from Bridgeport to the valley of the Des Plaines cannot be advantageously or economically changed; that it is the best, cheapest, and most direct route which can be found, there having been more than enough work already done in this line to counterbalance the natural but no superior advantages of the slightly lower but more tortuous route by the way of Mud Lake; that the Calumet River and Saganaska creek route, along what is known as the Calumet feeder, would cost a great deal more than either of the others, being longer and ending at a point where there is neither a natural nor artificial harbor, and where it would be impossible to construct one which would answer the purposes of commerce and the national defence; and, finally, that it is not practicable at any cost to use any part of the Kankakee river as a part of the system of navigation in question. For the foregoing reasons, after a careful consideration of all the facts upon which they rest—a full analysis of which will be given herein-
343 after—we are decidedly of the opinion that in constructing such a system of navigation as the interests of the country require, the government must follow the general line of the Illinois and Michigan Canal and the Illinois river. When it is considered that the summit of the Fox and Wisconsin river line is 315 feet, and that of the Lake Winnebago and Rock river is 285 feet above the level of Lake Michigan, it will be seen that the line recommended by us is the only feasible route for deep-water communication between the great lakes and the Mississippi river,

equally adapted to military, naval, and commercial purposes." * * *

Then omitting again to page 432:

"The Des Plaines river rises in the state of Wisconsin and runs nearly due south, parallel with the lake shore, and generally nor more than eight or ten miles from it, until it reaches a point about 13 miles in a southwest direction from the mouth of Chicago river. Here is a slight depression, a mile or more in width, extending across from the Des Plaines to the south branch of Chicago river, through which a part of the waters of the former river, in time of floods, flow into the lake. In this depression is what was once known as Portage lake, (so designated on the old maps of the country), but now better known as Mud lake, a succession of shallow ponds on the same level connected with each other and with the Des Plaines river, and extending about six miles toward Chicago river. This was the portage or carrying place 344 between the waters of the lakes and the Mississippi made memorable by the early French voyageurs, and so well known to fur traders. But Portage or Mud lake has ceased to exist, the shallow ponds having been drained, and the impassable swamps rendered valuable land.

There can be no doubt that through this depression there was once an outlet from the lakes to the Mississippi, which was closed by the recession of the waters of the lakes. Even now at the present state of Lake Michigan, its surface is only between eight and nine feet below this summit. The Des Plaines river, from the depression described, changes its course and runs in nearly a southwest direction until it forms a junction with the Kankakee. The river itself, except in floods, is very shallow, being often reduced in dry seasons to a mere brook, discharging less than 1000 cubic feet of water per minute. But the valley averages a mile wide, and is terminated on both sides by well-marked terraces which become higher and higher as they approach the Illinois. Evidence at every step presents itself that the water, when this was the great outlet of the lakes, extended from bluff to bluff."

345 **PROFESSOR ALVORD** (continuing): The book which is now shown me is entitled "Illinois in 1837;" A Sketch

descriptive of the Situation, Boundaries, Face of the Country, Prominent Districts, Prairies, Rivers, Minerals, Animals, Agricultural Productions, Public Lands, Plans of Internal Improvement, Manufactures, etc., of the State of Illinois: Also, Suggestions to Emigrants," and so forth. Philadelphia, 1837. The name of the author is not given. In the preface at page vii, the author writes:

> "The bulk of the information hereinafter detailed is quite recent, being derived in part from the lately published and valuable Gazetteer of Illinois, and the Emi-
> 346 grant's Guide, by the Rev. J. M. Peck; also, from Flint's Geography and History of the Western States, Beck's Gazetteer of Illinois and Missouri, Schoolcraft's Travels, and the works of Darby, Hall, Long, &c. The work contains, likewise, extracts from different correspondents, and from various gazettes printed in the state, some of them only a few weeks before its publication; particularly the Peoria Register and North-Western Gazetteer, the attention bestowed by the editor of which in distributing recent geographical and local information calculated to be useful to emigrants, renders it undoubtedly the most interesting print of the kind in the state."

Professor Alvord (continuing): On page 36 occurs a passage referring to this river route:

Whereupon said passage was read into the record, as follows:

> "The Des Plaines river is the northern head branch of the Illinois. It rises in Wisconsin Territory, a few miles west of the town of Racine, on Lake Michigan, and flowing through the north part of the state, it joins the Kankakee at the boundary line between La Salle and Will counties, where they form the Illinois river. The Des Plaines, in its course of 150 miles, runs generally over a bed of limestone. The country along its borders is populating rapidly, notwithstanding the apparent deficiency of
> 347 timber. About forty-two miles above the mouth of this stream is a swamp connecting it with the Chicago river, through which boats of some burden have often been navigated into Lake Michigan. This route was used by the traders as a medium of communication between the great Lakes and the Mississippi, from the first discovery of the country by Europeans;—this circumstance first suggested the idea of an artificial connexion by means of a canal at this point."

Professor Alvord (continuing): Referring to this work of local history and other local histories of this character, the scientifically inclined historian is obliged by the laws of his science to get back to the contemporary narrative as far as it is possible; or if it is impossible to reach the contemporary narrative, to reach those men that knew of the contemporary narrative, or had learned from contemporaries of the facts. The whole science of history is based upon the records that have come down to us from the past. We are unable to observe what has taken place in the past ourselves and so are obliged to trust to the narratives of men who have lived in
348 the past for our facts.

We take these narratives and examine them, trying to find out their value as witnesses of the past facts and admit them in accordance with whether we regard them as reliable witnesses of the facts; as to whether they were capable of knowing themselves or through others of the facts which they relate. I had this in mind in reference to Woodruff's History of Will County and the incident which is there referred to.

As to statements of old settlers in reference to that fact, historians of western America are obliged to use as source material in their investigations statements by old settlers that have come down to us; and these are of as great value as sources, as the material that is used by the historians that have written of Greece, of Rome and of the Middle Ages where very similar material is at hand, and in fact where material that is not as good as these statements by old settlers is used by historians.

That is the general method in which the authoritative
349 histories in western countries have been written. The quotation from the volume "Illinois in 1837," just read, shows that when that volume was produced the fur trade in Northern Illinois had to come to an end. With the close of the Black Hawk War and the transportation of the Indians in Northern Illinois across the Mississippi river, the hunters that had up until this time supplied the furs to the traders were no longer in existence in the region, and therefore there was no prospect of large profit open to traders, and the fur trade in the region came to an end.

The passing of the Indians from Northern Illinois opened the territory to immigration, and large numbers of
350 farmers came in, men of different experience than the fur traders, with different demands. The northern portion

of Illinois was quickly settled and agitation was immediately begun for transportation such as they were familiar with. The agitation was first for a canal and later for railroads, and these were built and the old routes by which trade had been carried, passed out of the memory of man. As a matter of historical fact, the kind of motive power employed had something to do with the agitation for a different artery of commerce. The connection between the two was that steamboat navigation was introduced. The method of traveling on the deeper rivers by steamboats created a demand for rapid transportation, and the use of the steamboats on the lower Mississippi made of St. Louis one of the chief markets of the fur traders; traders sent their furs in that direction and down the Mississippi and through the Gulf of Mexico to Europe instead of using the old avenues of trade. St. Louis, of course, grew very rapidly after the introduction of the steamboats, and its chief history as a fur center dates from that time.

351 Referring to the book now shown me, entitled "Fergus Historical Series, parts 6-9," it contains several articles which are bound into the volume. Number 7 is entitled "Early Chicago, by Hon. John Wentworth." The title page reads, "Early Chicago. A lecture delivered before The Sunday Lecture Society, at McCormick Hall, on Sunday afternoon, May 7th, 1876, by Hon. John Wentworth, Late Editor, Publisher and Proprietor of the 'Chicago Democrat,' the First Corporation Newspaper; Member of Congress for the Chicago District for Twelve Years; Two terms Mayor; and a Settler of 1836."

I find in that article a reference to the Chicago and Desplaines river, on page 7.

Whereupon said extract was read into the record as follows:

> "Their route out of Chicago was down the north fork of the South Branch through Mud Lake, then called la petit lac, to the Desplaines River, and generally in the same little boats with which they had passed over the lakes of the east. The route, partially interrupted by the construction of the Illinois and Michigan Canal, has been recently restored to the condition it occupied for so many hundred years, and the waters of Lake Michigan and of the Desplaines River again mingle, after a few years of unnatural separation."

352 Professor Alvord (continuing): The volume which is now shown me is entitled "Narrative and Critical History of America, Edited by Justin Winsor, Librarian of Harvard University, Corresponding Secretary Massachusetts Historical Society. Volume V. Boston and New York. 1887."

Justin Winsor is regarded by historians as one of the greatest historians that America has produced; and this particular work of which he was general editor is one of the monuments of American scholarship. All parts of it are of course not by Winsor himself. It was prepared under his supervision and issued with his authority.

I find in that volume an article referring to this river route, on page 1 of volume V, beginning at a chapter called "Canada and Louisiana, by Andrew McFarland Davis, American Antiquarian Society." On page 7 of that chapter there is contained the following statement:

Whereupon said extract was read into the record as follows:

> "As the trade with the Valley of the Mississippi developed routes of travel began to be defined. Three of these 353 were especially used,—one by way of Lake Erie, the Maumee, and the Wabash, and then down the Ohio; another by way of Lake Michigan, the Chicago River a portage to the Illinois, and down that river; a third by way of Green Bay, Fox River, and the Wisconsin—all three being independent of La Salle's route from the foot of Lake Michigan to the Kankakee and Illinois Rivers."

Professor Alvord (continuing): In volume 4 of this same history I find a reference to this river route on page 198, which is an editorial note written by Justin Winsor himself. The particular extract occurs on page 224, note 1, as follows:

4 Narr. & Crit. Hist., 224, n. 1:

> "The principal portages by which passage was early made by canoes from the basin of the lakes to that of the Mississippi were five in number.
>
> 1. By Green Bay, Lake Winnebago, and the Fox river to the Wisconsin, thence to the Mississippi,—the route of Joliet.
>
> 354 2. By the Chicago river, at the southwest of Lake Michigan to the Illinois, thence to the Mississippi. This appears in the earliest maps of Joliet and Marquette, and is displayed in the great 1684 map of Franquelin, of this part of which Parkman gives a drawing in his La Salle,

which with various later ones is repeated in Hurlbut's Chicago Antiquities.

3. By the St. Joseph river, at the southeast corner of Lake Michigan, to the Kankakee, and so to the Illinois. This was La Salle's route.

4. By the St. Joseph's river to the Wabash (Ouabache); thence to the Ohio and Mississippi.

5. By the Miami river from the west end of Lake Erie to the Wabash; thence to the Ohio and Mississippi."

Professor Alvord (continuing): The book which is now shown me is by the same author, Justin Winsor, and is entitled "The Mississippi Basin. The Struggle in America between England and France. 1697-1763. With Full Cartographical Illustrations from Contemporary Sources, by Justin Winsor, Boston and New York, 1895."

I find in this book a reference to this river route, at page 24.

Whereupon said extract was read into the record as follows:

355 "Before the end of the seventeenth century, the portages at the head of Lake Michigan had become the best known of all, and there had been a trading-post for something like fifteen years at the Chicago River. What Herman Moll, the English cartographer, called the 'land carriage of Chekakou' is described by James Logan, in a communication which he make in 1718 to the English Board of Trade, as running from the lake three leagues up the river, then a half a league of carriage, then a mile of water, next a small carry, then two miles to the Illinois, and then one hundred and thirty leagues to the Mississippi. But descriptions varied with the seasons. It was usually called a carriage of from four to nine miles, according to the stage of the water. In dry seasons it was even farther, while in wet times it might not be more than a mile; and, indeed, when the intervening lands were 'drowned,' it was quite possible to pass in a canoe amid the sedges from Lake Michigan to the Des Plaines, and so to the Illinois and the Mississippi."

Professor Alvord (continuing): The book to which I next refer is entitled "The Old Northwest. With a View of the Thirteen Colonies as Constituted by the Royal Charters. By B. A. Hinsdale, Ph. d. Professor of the Science and Art of Teaching, University of Michigan; Author of 'Schools and

Studies,' and Editor of 'The Works of James Abram Garfield.' New York, 1888."

356 Historians generally praise this work very highly and use it as the chief secondary source of their knowledge for the history of the period which it covers. It is again and again referred to in Hart's American Nation Series, which is the latest and probably the most authoritative history of the United States.

I find in this work a reference to this river route by way of the Chicago and Desplaines, on page 44.

Whereupon said extract was read into the record, as follows:

> "The French located their principal missions and posts with admirable judgment. There is not one of them in which we cannot see the wisdom of the priest, of the soldier, and the trader combined. The triple alliance worked for an immediate end, but the sites that they chose are as important today as they were when they chose them. The fact is, nature had decided all these questions ages before the soil of the New World had been pressed by the white man's foot. Marquette called the Straits of Mackinaw 'the key, and as it were, the gate for all the tribes from the South as the Saut is for those of the North, there being in this section of the country only these two passages by water, for a greater number of nations have to go by one or other of these channels in order to reach the French settlements. This presents a
357 peculiarly favorable opportunity both for instructing those who pass here and also for obtaining easy access and conveyance to their places of abode.' The straits were called the 'home of the fishes.' 'Elsewhere, although they exist in large numbers,' says Marquette, 'it is not properly their home, which is in the neighborhood of Michilimackinac. It is this attraction which has heretofore drawn to a point so advantageous the greater part of the savages in this country, driven away by fear of the Iroquois.' La Salle's colony of St. Louis was planted in one of the gardens of the world, in the midst of a numerous Indian population, on the great line of travel between Lake Michigan and the Mississippi River, Kaskaskia and the neighboring settlements held the centre of the long line extending from Canada to Louisiana. The Wabash colony commanded that valley and the Lower Ohio. Detroit was a position so important, that, securely

> held by the French, it practically banished from the English mind for fifty years the thought of acquiring the Northwest. The Indians and the beavers have long since disappeared from the region lying between the lakes and the Mississippi; that region has twice changed hands since those early days; the whole country has been transformed by the hand of man; but the Saut Canal, the Mackinaw shipping, and the cities of Chicago, St. Louis and Detroit show us how geography conditions history, as well as that the savage and civilized man have much in
> 358 common. Then how unerringly were the French guided to the carrying places between the Northern and the Southern waters, viz., Green Bay, Fox River, and the Wisconsin; the Chicago River and the Illinois; the St. Joseph and the Kankakee; the St. Joseph and the Wabash; the Maumee and the Wabash; and, later, on the eve of the war that gave New France to England, the Chautauqua and French Creek routes from Lake Erie to the Ohio."

PROFESSOR ALVORD (continuing): The volume now shown me is a volume of the American Nation Series edited by Professor Farrand. This particular volume is regarded as one of the best of this series, and the series as a whole edited by Professor Hart is regarded as the most authoritative history of the United States that we possess up to this time. Professor Hart is a professor of Harvard University. Just for the moment it has slipped me what institution Professor Farrand is connected with, but it can easily be found in the book.

The passage in question is as follows:

> "From the Great Lakes to the Mississippi basin there was a choice of paths. In the Northwest the French often crossed from the head of Lake Superior to the upper
> 359 Mississippi by way of the St. Louis river. The most important portage, however, was probably that which led from the Fox to the Wisconsin River, first used in 1673 by Joliet and Marquette, and later the site of Fort Winnebago. At the southern end of Lake Michigan an important trail led from the Chicago to the Des Plaines and so to the Illinois, on the same line as the present Chicago Drainage Canal; the portage was from four to nine miles in length according to the season. Other carrying-places of that region were from the Calumet to

the Des Plaines, and from the St. Joseph to the Kankakee; but that from the St. Joseph to the Wabash was the principal channel of supplies for the early settlers at Vincennes."

PROFESSOR ALVORD (continuing): The book which is now shown me is entitled "The History of Wisconsin in three parts, Historical, Documentary, and Descriptive. Compiled by Direction of the Legislature of the State. By William R. Smith, President of the State Historical Society of Wisconsin. Part I—Historical. Vol. I. Madison, Wis.; 1854." This is regarded by historians as one of the best of the local state histories in the west. I know of no other book entitled "Smith History of Wisconsin." This is the volume referred to by the Supreme Court of the United States in the Montello case, in the 20th Wallace. 360

I find in this book a reference to this river route.

Whereupon said passage was read into the record, as follows:

> "One among the first of the operations of the Western Company was to send eight hundred emigrants to Louisana; they arrived in August, 1718, at Dauphine Island. Bienville had in the midsummer of the same year, selected the site for the capital of the new empire, which, in honour of the Regent of France, he named 'New Orleans.' Of the recent emigrants from France, eighty convicts were sent among the coppices that overspread New Orleans, to prepare room for a few tents and cottages. At the end of three years the place was still a wilderness spot, where two hundred persons, sent to construct a city, had but encamped among unsubdued canebrakes. The character of the emigration was not that of industry, energy, or of information; some perished for want of enterprise, some from the climate; and in place of ascending the river in ships, they all blindly disembarked on the miserable coast, to make their way as best they could to the lands that had been ceded to them. 361 An extraordinary instance of energy may be mentioned: DuTissenet, a Canadian emigrant, having purchases a compass, and procured an escort of fourteen Canadians, went fearlessly from Dauphin Island by way of the Mobile River to Quebec, and returned to the banks of the Mississippi with his family. At this period the three great avenues from the St. Lawrence to the Missis-

> sippi, were, one by way of the Fox and Wisconsin Rivers; one by way of Chicago, which had been safely pursued since the days of Marquette; and one by the Miami of the Lakes, where, after crossing the portage of three leagues over the summit level, a shallow stream led into the Wabash and the Ohio."

Q. Now, having in mind the investigation which you have made, the different historical authorities to which you have called attention, what do you state to be your judgment as a historian with reference to the fact as to whether the Desplaines river at the point at which the dam in question in this case is being constructed, was in its natural condition actually used in the carrying on of trade and commerce?

Mr. Scott. I object as incompetent, immaterial and irrelevant; and as being the conclusion of the witness, and not being evidence as to the facts.

A. As a historian, I would answer the question as follows:

Giving due weight to all the sources of information that 362 are available, my opinion is that from the latter part of the 17th Century through the first third of the 19th Century, men engaged in the fur trade passed up and down the Chicago and Desplaines rivers in canoes and flatboats very regularly; that the fur trade was pursued by the French as long as they held possession of this country; was developed more fully by the English and later by the Americans. That the most active trade carried on the two rivers falls between the period of 1783 and 1825, or thereabouts; that the traders found a very easy passageway by means of these rivers in the early spring. That during the time of drought such as occurred in the summer or fall, the passage was hard, but even then they forced their boats through the waterway, often being obliged, however, to carry their packages around the shoals and rapids.

Q. Have you found in the investigation which you have made in any historical work, that in your opinion is entitled to weight, a statement to the effect that during the period with reference to which you have just testified, this Chicago-Desplaines route was not used for the purpose which you have stated?

Mr. Scott. Same objection.

A. I have not found any historian writing of the situation in the west competent to pass judgment upon material, and

who had investigated material, that denies that the Chicago
and Desplaines rivers were so used.

364 Professor Alvord (continuing): There are two maps
contained in this volume which is entitled "Proceedings
365 of the State Historical Society of Wisconsin at its 44th
Annual Meeting, Held October 18, 1906. Published at
Madison, 1904."

This series is one of the proceedings of the Historical Society and have the same general standing as the Collections, except that they contain monographic studies of historical events and matter of other kinds, and are not as a rule made up of collections of source material. The particular article in the proceedings is entitled "Marquette Authentic Map. Possibly identified by Louise Phelps Kellogg, Ph. D." The article begins on page 183. Miss Kellogg has been for many years the assistant of Dr. Reuben G. Thwaites, and is well known among historians as an industrious and careful worker. She has made a study of the maps connected with Joliet and Marquette's journey, particularly the maps that may have emanated from Marquette's hands.

The history of these maps is as follows:

Mr. Shea in his volume on the discovery of the Mississippi,
published for the first time a map that he discovered in St.
Mary's College, Montreal, and claimed at that time that it
was the map that was originally drawn by Marquette
366 after his famous voyage to the Mississippi river. There
was at that time in existence a map that has been published in 1681 by Thevenot, and has been known as the Thevenot map, and which when it appeared was supposed to have been Marquette's map. Miss Kellogg has made a very careful study of the two maps in question in order to discover which was the map which was actually drawn by Marquette, and she has come to the conclusion that the map that was published by Shea is a map that was worked out by Joliet and Marquette in the winter preceding their voyage down the Mississippi, from information that they had obtained from the Indians. This map, which may be found opposite page 186, therefore shows the information that they had received from the savages in order to guide them on their journey, and shows the possibility of reaching the Mississippi by two rivers, one floating into what is now Green Bay and the other at the southern end of the Lake of Illinois.

Whereupon the said map opposite page 186 of Wisconsin

Historical Society Proceedings of 1906 was introduced in evidence.

(For copy of above Exhibit see Appendix, ________)

367 Whereupon counsel for the government asked the witness to look at the map in the Wisconsin Historical Society Proceedings, opposite page 182, labeled Thevenot map of 1681, and state, for the purposes of the record, what information he had concerning the map, and its standing; which question was objected to as calling for a conclusion of the witness and as being incompetent, irrelevant and immaterial; map speaks for itself.

Professor Alvord (continuing): This map has been compared by Miss Kellogg with the journal, careful attention being paid to the physical features which are noted in the journal and are put upon the map, and she has come to the conclusion that this represents the map which was drawn by Marquette himself, instead of the one that was found by Shea in St. Mary's College; that the relation of the two maps is this: that the St. Mary's College map is the preliminary sketch made from information before the journey was taken, and that the Thevenot map was made after the journey by Marquette.

Whereupon the said map was offered in evidence.

(For copy of above Exhibit see Appendix, ________)

368 The map which is now shown me is found in the "History of Chicago from the earliest period to the present time," in three volumes, volume one beginning with the year 1857, by H. T. Andreas, published at Chicago, 1884. The map in question is found on page 53 and the explanation of the map is given by Mr. Andreas on page 52. Mr. Andreas has written a volume of the History of Chicago that has been used extensively by historians and is regarded as one of the best histories of Chicago that we have. He says on page 52:

> "Among the old papers of General Hull, who was stationed at Detroit from 1805 to 1812, his grandson, the late William H. Clark, of this city found a manuscript map—a fac-simile of which is published here—on which the Grand and Little Killamick are delineated with a straight line uniting them, on which the word 'Canal' is written; as though the two rivers were thus united. The writer has visited the two streams and the 'canal,' and carefully examined them."

369 Professor Alvord (continuing): I wish to alter my statement, by saying that this particular extract is found

in Andreas' History of Chicago, but the particular part to which I wish to refer is written by Albert D. Hager, local historian of Chicago.

The map is evidently drawn by General Hull, according to the statement of Mr. Hager, and was found among his manuscripts by his grandson. Historians would regard it as an authentic map coming from the hands of General Hull, unless some evidence to the contrary was shown.

The explanations of the witness were objected to by the defendant for the same reasons heretofore given.

Professor Alvord (continuing): There is no reason to regard the statement of Mr. Hager as anything but the truth in regard to the place where this map was found.

Whereupon the said map (appearing in Andreas, p. 33) was offered in evidence, and objected to on the part of the defense, on the ground that no evidence has been presented which establishes the fitness or qualification of General Hull to make a map of this country; incompetent, irrelevant and immaterial.

(For copy of above Exhibit see Appendix, ...)

370 Q. Does the witness know anything concerning General Hull?

A. In regard to General Hull I will say that he knew this region very well indeed, and was at Chicago, so that he had every means of acquiring knowledge of it. Historians have used Andreas History of Chicago and the illustrations therefrom frequently and the work has a very good reputation.

Motion to strike out answer as not responsive to the question.

The document now shown me consists of clippings from the Alton Weekly Telegraph, the first beginning Thursday morning, April 27, 1876, and continuing for nine weeks thereafter. The editor in explanation writes:

371 "Hon. W. C. Flagg, has kindly placed at our disposal a number of letters written by his father, between fifty and sixty years ago. They are entitled 'Early Letters of an Early Settler' and will appear as a part of the Telegraph's Series of Pioneer Papers. The letters are nine in number and will appear under the following titles": He then gives the nine titles.

"The first part of the letter appears in this number. Such of our readers, and there are many who are interested in the pioneer history of the west, will be much interested in the 'Early Letters of an Early Settler.''

Whereupon counsel for the defendant objected to the reading into the record of the papers referred to, on the ground that no foundation had been laid, and that it did not appear that the witness had personal knowledge as to the publication of them.

PROFESSOR ALVORD (continuing): These clippings were taken from the Alton Weekly Telegraph, published at Alton, Illinois, a well known weekly paper of Southern Illinois.

372 On being asked as to what the witness knew concerning the author of the articles, the question was objected to on the ground that the article speaks for itself; incompetent, irrelevant and immaterial.

A. The title of the article is: ''Pioneer papers. Early Letters of an Early Settler,'' written by Gershom Flagg. Gershom Flagg's son, W. C. Flagg, states in the first clipping that he was the son of Dr. Ebenezer Flagg and a descendant, in the 7th generation, of Thomas Flagg.

Whereupon the witness was asked to read from the papers what was stated therein concerning Gershom Flagg.

Objected to as incompetent, irrelevant and immaterial.

Said extract so requested was read into the record, as follows:

> ''Gershom Flagg son of Dr. Ebenezer Flagg and a descendant, in the seventh generation, of Thomas Flagg, who emigrated from Norfolk, England, in 1637, and settled in Watertown, Mass., in 1641, was born in Orweel, Vermont, November 26, 1792, removed with his father's
> 373 family to Richmond, Vermont, about the year 1800, and in 1816, at the age of 24, started west.''

PROFESSOR ALVORD (continuing): As to what I know personally of Gershom Flagg, I would say that Gershom Flagg finally settled in Madison County, Illinois, where he lived and where his descendants are now living. He was a well known man of his age, as was his son and is his grandson to-day.

Motion to strike out the answer as not responsive to the question, which called for the personal knowledge of the witness.

As to the standing of the articles of Gershom Flagg among historians in general, they would only have the standing of source material, as emanating from a pioneer of the west who had come into this region and made observations and written concerning them, letters. Such material is regarded always by historians as of the very best, as being first 374 class, primary source material.

Q. Do you find in there any reference to the use of the Desplaines river for the purpose of navigation or as a waterway? State where it is found and what it is.

Objected to; document incompetent; no proper foundation has been laid for its introduction.

A. I find a reference to the use of the Desplaines river for the purpose of a waterway in the fifth article, entitled "Madison County in 1818." These pioneer papers were published in the Alton Weekly Telegraph, beginning April 27, 1876, and appeared every week thereafter for nine weeks. In the fifth contribution, entitled "Madison County in 1818," headed "Edwardsville, Madison County, Illinois Ter. 12 Sept. 1818," is a passage concerning advantages for transportation; which passage was thereupon read into the record over the objection of the counsel for the defendant, as follows:

"The situation of this Territory is good for trade, having the advantage of water carriage on all sides. The Mississippi on the west, the Ohio and Wabash on the southeast and the Kaskaskia and Illinois in the interior of the territory. The Illinois, which is about 400 miles in length and heads near Lake Michigan. A branch of 375 the Illinois reads within 4 miles of the head of the Chicago, a short river which empties into Lake Michigan. In freshets boats pass this portage, the waters being connected. They are made shallow for the purpose. I have seen them at St. Louis landing. I think there will be a canal cut to connect the waters of Illinois and Chicago at no distant period. From information the expense would not be great. One hundred thousand acres of land is appropriated for this purpose. This done, we have a water communication from almost any part of the Territory to the States of Indiana, Ohio, and Pennsylvania, on either side of these States. Also with New York by way of Lake Erie, and an easy communication with the Ocean by New Orleans."

Cross-Examination.

375 This last letter, referred to in my direct examination, was written in 1818. The writer says that 100,000 acres

of land is appropriated for this purpose, meaning a canal to
connect the waters of the Illinois and Chicago at no dis-
376 tant period. No congressional action had been taken as
early as this nor had any appropriation been made for
the purposes of that canal at that time by any legislative
body that I know of. I have made a study of the Illinois
and Michigan Canal, and I have the notes collected in that
study before me. That statement in regard to the appro-
priation of land is not true, and yet it might easily have been
in the air in Illinois at that time and he thought that the ap-
propriation had been made.

377 There is no confusion in my mind. There is no his-
torical foundation for a statement that that appropriation
for that purpose had been made. The letter speaks of hav-
ing seen them at St. Louis landing, referring to boats men-
tioned in a previous sentence which reads "In freshets the
boats pass this portage, the waters being connected." There
is nothing in any of these published letters of his to indicate
that he himself ever saw any boats in freshets pass that port-
age.

As whether so far as I can recall there is in the letters,
reports and histories examined by me, any record or reference
by any person who claimed to have seen the fact himself of
the passage of any boats from the Chicago river to the Des-
plaines in times of freshets would say yes. To answer
378 how many it would be necessary to go through each one
and find out. Heward went through himself; also Gurdon
S. Hubbard. The question is limited to time of freshets. It
would be difficult for me to recall all of the cases that have
been cited without looking at the passages, but of course the
one that stands out prominently in my mind is that of Gur-
don S. Hubbard going up the Desplaines and coming down
the Chicago. I have stated all that I recall without refresh-
ing my memory by looking through all the passages. As to
whether or not it is true that aside from the two cases I
have mentioned there is not in any of the documents cited
and read into the record by me, any reference to the fact
379 of such a passage at the time of freshets by a person
who saw the fact or was a party to it, would say that
before answering that I should like to go through all the
books. I would not care to rest an answer to such a question
upon memory alone. Before my examination is concluded
will prepare myself to answer the question at a later time.
I have spoken of the limitation of the question to the time

f freshets. I now recall some passages having been made
t some time other than at times of freshets. St. Cosme
ent through. It is not my understanding that he passed
through without any portage. I recall that he had a
80 portage between the Chicago and Desplaines rivers. When
I referred to Heward and Gurdon S. Hubbard I under-
tood the question to mean, as you have pointed out, a passage
irectly from one river to the other by water. I do not recol-
ect any passage of boats from the Chicago river to the Des-
laines without a portage as narrated by a person himself
ognizant of the fact when there was not a freshet. I did
ot understand the question when I answered that St. Cosme
ad done so. I have read through the evidence I have given
eretofore in this case. I do not recall any corrections. It
seems to be transcribed correctly and as I gave it. My
81 attention is directed to my translation of 2 Margry, page
79 (my testimony as to which appears on page 80 of the
anscript) as follows:

"Furthermore, in spite of what has been said to us, now that I can conjecture about this river, since it would not be navigable as far as the sea, this second ship that I have had commenced in the Illinois country would be always very necessary to carry by a river which I have found, the products of the country of the Illinois to Fort Frontenac, since this river is much more easy of navigation than the route by which Joliet has passed, of which he has concealed the difficulties for reasons which I have not been able to conjecture. There must needs be a difficulty also at the bottom of the Lake Illinois."

My attention is also directed to the fact that the above para-
raph, just read, which begins, "There must needs be a dif-
culty also at the bottom of Lake Illinois" appears to fol-
ow consecutively after the paragraph first read. That was
matter of stenographic error. It was not so from the trans-
lation. As a matter of fact the paragraph now beginning
82 "There must needs be a difficulty also at the bottom of
Lake Illinois" is on page 82 and there is a considerable
ortion of the letter appearing between these two paragraphs.
might say that was a matter of the reading, an accident of
he reading, not by intention. The paragraph proceeds:

"There must needs be a difficulty also at the bottom of Lake Illinois where navigation stops at a place called Checagou, in order to unload there the goods brought in the ships and transfer them to canoes two leagues from there, where the same canoes, alone can navigate, to a village of the Illinois Indians distant a space of forty leagues. This is contrary to what Joliet has said, namely, that there was only a quarter of a league of interruption of navigation."

The next passage then read in was not next consecutively on the narrative.

Whereupon the attention of the witness was directed to the fact that it appeared on page 165, Volume 2 of Mar-
383 gry, beginning, "Having made my cache on the 28th of December I went on foot to where Monsieur De Tonty was the 6th of January"; that he had continued to read on reading from p. 168, "The Chicago river is not even navigable for canoes except after this flood," and also 174, "All this occurs throughout all the country which we have traversed, and so forth.

Whereupon the witness verified the citations from Margry mentioned in the question, by reference to the original
384 French, and familiarized himself with the passages on pages 165, 168 and 174, in 2 Margry, appearing at transcript pages 82, *et seq.*

Counsel for defendant then directed the attention of the witness to the fact that after he had read them upon his original examination, in order, as was stated, to assist him in the interpretation of the passage on page 79, this question was asked:

"Q: Now, this passage, having been read into the record, I direct your attention to the former question as to the rivers referred to.

A: Concerning the passage on page 79"—(Reading.)

386 Witness being asked as to whether or not the extracts

I read from the latter pages as distinguished from that appearing on page 79, appear in the same letter, and what is my understanding without looking at the book, and what was my understanding on that point when I testified formerly would say that they belonged to different letters. I don't know that there is anything in them that indicates to me that he meant what I said he meant by the passage on page 79. I thought possibly they might throw some light on that. I hesitated for a moment, although I was quite certain what he referred to at the time. It seems to me that that can be the only interpretation. Before testifying that that was the interpretation, I read as much of the context of the letter containing the extract, on page 79, as was necessary for the interpretation. I am reading to myself that which immediately follows the first paragraph of my testimony, appearing on page 79, and between that and the second paragraph appearing on page 82.

387 Being asked as to whether or not as I read it appears to me that I was entirely mistaken as to the meaning of the passage on pages 79 and 82 will say. I should have glanced over and recollected —I should have glanced over the next page and would have seen that the river he referred to is by the Ohio. As to whether the discussion between the first paragraph I read and the second paragraph I read makes it entirely clear that he was talking of a route down Lake Erie and by the Wabash to the Ohio, and thence by the Mississippi, I should say that it was probably by the Wabash to the Ohio. "Probably" applies simply to how he would get out of Lake Erie. It does not seem to me to be very evident that he had in mind the Maumee and Wabash passage, although probably he did. There is no question that the passage as a whole referred to a route which would be to some point on Lake Erie and 388 then by a river or rivers to the Ohio, and then down the Mississippi. In my conclusion as to its referring to the Kankakee, I make the mistake of interpreting that passage in the light of other knowledge rather than this particular part. The part which shows that it was the Ohio route and not the Kankakee follows immediately after the first paragraph on page 79, put in evidence by me. It is the immediate context.

Taking up some of the details of my translations, first, the beginning of the paragraph on page 79, which I have translated "Furthermore, in spite of what has been said to us now that I can conjecture about this river since it would not be navigable as far as the sea," I should say that gave substantially the idea of the passage. I translate the word "quand" as "since."

Q. Does it not mean "if," and is not a true translation this: "Furthermore, even if contrary to what has been said to us and to all which I can conjecture about the river, it 389 should not be navigable as far as the sea"? You will note that yours is a conclusion, "since it would not be navigable"; this is conditional, "Even if contrary to what has been said to us and to all which I can conjecture about the river, it should not be navigable as far as the sea."

A. I think my translation is the better.

Q. You think it was La Salle's conclusion—what river was he referring to? You are examining the book to ascertain the answer to my question, Mr. Alvord?

A. This, I should suppose, referred to the Chicago-Desplaines portage.

Q. Now examine the book and see if the reference is not entirely to the Mississippi.

A. I don't see it that way. The paper from which that is quoted is a letter from the discoverer to one of his associates. As to whether I examined the first part of that letter, my remembrance is that I read the letter through. At this
390 time La Salle was making his preparations to finish the discovery of the Mississippi. The letter from which I have quoted the extract on page 79 appears on page 32 of 2 Margry. The page immediately preceding reads: "Preparatifs, Pour Achever La Decouverte du Mississippi," which means "preparations to Finish the Discovery of the Mississippi." The next line is "Preliminaries de L'Exploration," meaning "Preliminaries of Exploration." Then follows a short text before we come to the beginning of the letter from which I have quoted.

Whereupon counsel for the defendant read the following translation which the witness followed in the text during the reading thereof to see if it was correct:

"November 11, 1680.

The sieur de La Salle arrived in Canada the 15th of September, 1678, with power to make the discovery of the lands whither leads the great river called Missisipy. He wintered at Fort Frontenac, where he caused to be constructed a bark at the place called Niagara; then he embarked with twenty-two men to cross Lake Erie
391 and entered into the lake of the Hurons; then came to anchor at a place called Missilimackinac, which is the great haven of the Ottawa nations.

From which place he advanced into the lake of the Illinois as far as the Huron islands, where, having sent back his bark, he launched out with eight canoes and presented himself in a village of the Illinois, and after having gone somewhat further he commenced a fort named Crevecoeur and a barge of forty tons in order to have it descend into the great river Mississipy which is believed to empty into the great Gulf of Mexico, then he left to present himself at the fort of Frontenac, from there at

Montreal, whence he set out again in the month of July to return to completely accomplish his discoveries."

The WITNESS. That is a correct translation.

Q. Then begins the letter from which you have quoted. I ask you whether the portion of the letter from the beginning up to the paragraph which you quoted on page 79 and the context appearing between your first and second paragraphs, referring to the route down the Ohio, does not make it perfectly clear that the river referred to in your translation, in the first paragraph thereof, was the Mississippi, and not the Desplaines river?

Whereupon the answer of the witness to the foregoing question was deferred in order that the witness might look the matter up during the adjournment.

392 Q. Referring again to your thought or opinion that the Desplaines is referred to in this language in the first paragraph of the letter which you translate, beginning, "Further, more, in spite of what has been said to us now that I can conjecture about this river, since it would not be navigable as far as the sea," does it occur to you that he could have referred to the Desplaines-Chicago when he was talking about navigation as far as the sea?

A. In speaking of navigation from the lakes to the gulf, yes.

Q. In speaking of the navigation from the lakes to the gulf but recently you said that the reference here was not to the Mississippi, but to the Desplaines and Chicago. I am trying to get your final view on the proposition.

The WITNESS. I thought we had left that question until I could consider it.

393 Q. Again I ask you if you are mistaken and this reference was to the Mississippi, and not to the Chicago and Desplaines, is it your opinion that he started on his exploration of the Mississippi under the conviction that it would not be navigable as far as the sea, you having quoted the language as "Since it would not be navigable as far as the sea?"

Whereupon said question was reserved for consideration by the witness.

Q. Is is not true that when he undertook the exploration of the Mississippi he believed that it was navigable as far as the sea, and that it is impossible that he could have meant "since it would not be navigable as far as the sea"?

Which question was also reserved for the further consideration of the witness.

394 Counsel for Complainant. In behalf of the United States in case there is any objection to the translations offered in evidence, if counsel for the defendant will indicate where those errors in translation are, we will supplement Professor Alvord's testimony by putting in the original French.

Counsel for Defendant. The difficulty in this proposition lies in the fact that there may be a difference of opinion as to whether the translations are correct or not, and this difficulty already appears from the testimony of Mr. Alvord this morning. In view of that testimony it is impossible for us to avert such errors at this time, and it becomes necessary to continue the examination of the witness as to the correctness of his translation.

395 The parties having met pursuant to adjournment, the first of the questions reserved for consideration of the witness during the recess was called up and read as follows:

> "I ask you now whether the portion of the letter from the beginning up to the paragraph which you quoted on page 79, and the context appearing between your first and second paragraph, referring to the route down the Ohio, does not make it entirely clear that the river referred to in your translation in the first paragraph thereof was the Mississippi river and not the Desplaines?"

A. The river referred to here is the river Mississippi and its branch known as the Illinois and continued by the Desplaines. It is my opinion that when he referred to a question as to whether or not "this river" would be navigable as far as the sea, he referred also to the Desplaines. Will say he is here discussing the possibility of lake navigation by means of the Mississippi. He regards, as the text previously
396 and afterwards shows, the Mississippi and the Illinois up to Fort Crevecoeur as navigable. The only portion that he regards as unnavigable for ships is from Lake Michigan to Fort Crevecoeur, therefore, when he speaks of this river he must include within it the Desplaines. As to whether or not it is a fact that my interpretation is not justified by the record, but that he is speaking prospective of a journey contemplated by him from the place where he then was on the Illinois river to the Gulf of Mexico, by the Mississippi, will say that he is not in this particular part discussing this contemplated journey. He discusses the possibilities of two routes for the carrying of merchandise from the Illinois country to

Canada. I have said that the only part he referred to as not being navigable for boats, for ships or barks from Chicago to Fort Crevecoeur is the Desplaines. As to whethter or not it was at that period a matter of conjecture with him as to whether the Desplaines was navigable for boats, he knew that it was navigable for canoes at this time, but he did not think it was for barks or ships. I know at that time that he
397 was building a ship to go from Fort St. Louis to the Gulf of Mexico. He refers to a ship or boat that he was already building in the Illinois country. As to whether he then referred in connection with the possibility of having to turn back from his trip down the Mississippi—referred to the possibility of returning in case the Mississippi should prove unnavigable by way of the Ohio, would say that that is not the way I understand the passage. I have carefully read the entire letter.

Whereupon counsel for the defendant directed the attention of the witness to page 37 and read to him his translation, which was as follows:

> "We did not know where we could meet with these people, and as there are many together we fear to be a charge to them and not be able to get help. Besides I apprehended that continuing to descend the river, ice might stop us in some place where we could not subsist. It was provoking to me to undertake a ship thus beforehand in the river without being assured that it would be navigable below, and it was not less so to take away from these savages so much wheat as was needed for thirty men to pass the winter."

398 The Witness. That is a correct translation. The ship or boat there referred to was being built on the Illinois. As to whether I still think in view of that passage and the portion which reads "It was provoking to me to undertake a ship thus beforehand in the river without being assured that it would be navigable below"—that the only river that he had any question about the navigability of was the Desplaines. Will say I cannot think he has this passage in mind when he is writing that on page 79. And on page 79 the reference that I have now is according to my translation "since it would not be navigable as far as the sea." I do not think he could mean the same thing in the two places, because of the last end of the passage where he distinctly speaks of the route pointed out by Joliet, and he returns on page 81 to the same

difficulties of that same route. That is convincing to my mind that he has reference to the lake via the Mississippi route.

Q. That does not answer the question. Is it still your opinion that the only portion of these streams that he had doubt about the navigability of was the Desplaines, or did he mean the river below Fort St. Louis where the boat was being built?

399 A. The difficulty there seems to be the fear of the ice.

COUNSEL FOR DEFENDANT. That does not answer the question.

(Question read.)

The WITNESS. He does not mean that the Mississippi was not navigable, but he means that he fears that he will be blocked by ice in the winter, and that is also shown by a passage beyond which you read. I mean the lines:

"Finally I decided to take about thirty pecks of it and to go down the river as far as the ice would permit me and to have transported there the wood of the ship which they had begun higher up, when spring should come, by means of the great pirogues which the Illinois use. Fearing, according to what I have been told, and which has been found very false, not to find any lower down."

That seems to indicate to me that the difficulty of navigation which he meant here was with the ice. It does not indicate to me that in view of the fact that the wood was 400 not to be transported until Spring should come, and then to a point at the end of the ice, that the difficulties of navigation in the river lower down contemplated by him were not difficulties so far as the ice was concerned. I don't see it that way.

Whereupon the witness, under the direction of counsel for defendant, turned to page 40, paragraph 2, and followed in the original French a translation read by counsel, which was as follows:

"I had resolved to have built a great canoe which would be able to descend their river as far as the sea, in order to go there to werk with more ease these said things, but these boats being very costly and giving much trouble in the making, I wished before beginning to inform myself through them if this river was navigable, if there were not some fall or rapid, and if they had no knowledge 401 that other Europeans inhabited the entrance of it."

As to whether I am still of the opinion that the only question he had as to the navigability of the river below was based on his fear that there might be ice, I think that is convincing that he is not sure of the navigability of the Mississippi. I would not adhere to my former statement that the only portion of the streams which he feared might not be navigable was the Desplaines.

Getting back to the first paragraph which I translated and read into the record on my direct, as to what he meant when he said in the first sentence of that paragraph, as I have translated it, "Furthermore, in spite of what has been said to us, now that I can conjecture about this river, since it would not be navigable as far as the sea, this second ship that I commenced in the Illinois country would be always very necessary to carry by a river which I have found 402 the product of the country of the Illinois to Fort Frontenac," and being asked as to what is now my opinion as to the river he referred to there which he conjectured would not be navigable as far as the sea, will say counsel has only made the passage a little more obscure to my mind. It is obscure because of this; in the very end of the passage he mentions the route that has been mentioned by Joliet, and seems to have in mind more than the possibility of finding the Mississippi unnavigable, to which you call my attention. I cannot entirely disassociate the end of the passage from the beginning of it.

Q. If you disassociate your mind from the Desplaines river, taking into account that he was at Fort St. Louis, that he was building a boat to go down the Mississippi to the Gulf, that in a prior passage he found it provoking to have to build that boat without being assured that the river was navigable, and that he is talking about that prospective journey, would you have any doubt that when he referred to the river being navigable as far as the sea, that he means the same river that in the passage referred to a little while back, he referred to when he said he was in doubt because there might be falls or rapids.

403 Objected to; the witness has answered it.

A. Well, I still have a doubt, first, because he is not at Fort St. Louis, but at Quebec; second, he is not discussing the Mississippi, the difficulties of the Mississippi, but those of the lake region, the lake route for canoes and boats in the pages immediately preceding. In fact the whole discussion is one of the two possible routes, one by the Great Lakes, by branches of the Mississippi which Joliet has found, and the other the route he proposes by the Ohio, and therefore I cannot feel perfectly sure that the passage does not refer to the route by the Chicago and the Desplaines. In my translation I have said "It would be always very necessary to carry by a river which I have found." What I have translated as "carry" is properly to be translated "bring back."

Being asked if it is not the meaning then that in order to bring back from the Mississippi river, it would be better to go by the Ohio (taking the entire context) I would say in the light of what you have said, I should think that this should be interpreted somewhat as you have given it.

404 "If this river is not navigable to the sea it would be necessary to use the barque that I am to have commenced in the Illinois to carry the products of the Illinois country down to the mouth of the Ohio and up the Ohio rather than to carry it by the Illinois and up the Desplaines to Chicago."

Coming to my translation of the second paragraph, which is on page 82, paragraph 1, which reads:

"There must neds be a difficulty also at the bottom of lake Illinois where navigation stops at a place called Checagou,"

I think my translation is correct. The French is "Il en faut un aussi," meaning "there is one also." There is no French word there which means "difficulty." It relates back to something preceding. The next preceding section being num-
405 bered 1, begins, "There are many more establishments needed there," and through that paragraph he goes on stating where other establishments are needed. Being asked if the correct translation of the words which I have there translated "There must needs be a difficulty also at the bottom of Lake Illinois; one of them is needed also at the lower part of the lake of the Illinois," the latter referring to the establishment and not to a difficulty, will say I will accept that translation. My translation was not correct. I see that the reference back was wrong.

406 Whereupon the following question heretofore reserved, was read to the witness:

"Mr. Alvord, referring again to your thought or opinion, that the Desplaines is referred to in this language, in the first paragraph of this letter which you translate, 'Furthermore, in spite of what has been said to us now that I can conjecture about this river, since it would not be navigable as far as the sea,' does it occur to you that he could have referred to the Desplaines and Chicago, when he was talking about 'navigable as far as the sea?' "

A. That would be possible as he has in mind the full route by the lakes and the Mississippi. I cannot quite get out of my mind the fact that he is discussing the whole route from the lakes to the sea.

Whereupon another question heretofore reserved for the consideration of the witness, was read as follows:

"Again I ask you, if you are mistaken and this reference was to the Mississippi, and not to the Chicago and Desplaines, is it your opinion that he started on his exploration of the Mississippi under the conviction that it would not be navigable as far as the sea, you having translated the language as 'Since it would not be navigable as far as the sea?' "

407 A. I do not catch the full force of the question.

Q. In the light of the various portions of the letter which you have read, is it still your opinion that your translation "Furthermore, in spite of what has been said to us now that I can conjecture about this river, since it would not be navigable as far as the sea, this second ship that I have commenced in the Illinois country," is more accurate than the following translation: "Furthermore, even if contrary to what has been said to us and to all which I can conjecture about the river, it should not be navigable as far as the sea, this second barque," etc.?

A. I do not like the translation of "quand" as "if." It is rather a strained translation, but I am inclined to think there is a question of doubt rather than a conclusion there; the conclusion being expressed in my translation and the doubt in the one that you have asked.

Whereupon there was read to the witness the fourth question which had been reserved:

"It is not true that when he undertook the exploration of the Mississippi, he believed that it was navi-
408 gable as far as the sea, and that it is impossible that

he could have meant, 'Since it would not be navigable as far as the sea?' "

The Witness. I would like an explanation of that question, I do not see the force it. LaSalle believed when he contemplated that trip on the Illinois river and down the Mississippi that he would reach the Gulf. I do not think "since it would not be navigable as far as the sea" the best translation. I should prefer, "Since it may not be navigable as far as the sea," which is a better translation. As to whether that translation would be consistent with the fact which I have testified to, that he believed that he could go down the Illinois and the Mississippi to the Gulf and that it was navigable, I find it
409 difficult to answer the question as put, because he is not discussing his journey to the sea, but trade routes that are possible, so that there is no connection necessarily in his mind between his knowledge of the Mississippi and this particular phrase. It is my conviction that he was not discussing on these particular pages his prospective journey from the point where the boat was being built on the Illinois, to the Gulf.

Whereupon the following questions were asked and the answers thereto deferred:

"You have referred to many passages as indicating the use of the Chicago-Desplaines route, or as it is in other places put, the Chicago-Desplaines portage. Can you now tell how many specific instances of the actual use of the Desplaines river on a journey *to* Chicago appear in the letters, reports and documents you have quoted, or referred to, in your direct testimony in this case?"

410 Q. Can you tell how many specific instances of the actual use of the Desplaines on a journey *from* Chicago appear in the letters, reports and documents you have quoted, or referred to in your direct testimony in this case?

The Witness. In my direct testimony, referring to Marquette and Joliet and their references to the Desplaines river, at transcript page 96, I stated:

"The exact point of disagreement has to do with a deep waterway from the lakes to the Gulf, Joliet claiming that it would be possible to dig a short canal by
411 which ships could pass from the lakes to the Gulf; La-

Salle on the other hand, claiming that the canal would have to be a long one if ships were to be used, because the navigation for ships would only begin, in his opinion, without great modification, at about the point where was situated his fort upon the Illinois river. There is no disagreement about the possibility of using at different times, the Chicago-Desplaines river route for commerce in smaller boats and canoes as he says."

I base my statement that LaSalle was discussing a deep waterway from the lakes to the Gulf on his use of the word "barque" in this connection, and the word "barque" refers to a boat of several tons burden. As to what kind of a boat I understood him to mean by the word I translated "ship," would say that before making the translation was careful to look it up in a dictionary, Le Grande Encyclopoedae, which is one of the most authoritative works on the French language and vocabulary. I found this definition given: "Barques. This is the generic name of ships of small dimensions employed in the fishing and coast trade; the largest are decked and attain a displacement of 150 tons. They carry one or two masts. Their forms and their gear are very variable. Those of the ocean carry generally square sails. Those of the Mediterranean, latteen."

412 I also looked up Littre Dictionaire Francais, which is the authoritative historical French dictionary, and found the same description. I also examined to see how LaSalle used the word "barque," and in speaking of the Griffin, which was a forty ton burden boat with sails, he speaks of it also as a barque. Therefore, I concluded that the discussion had to do with navigation, possibly by boats of several tons burden. I am not acquainted with Guerin's Dictionaire Desdictionains, but it cannot be of greater authority than the two I have mentioned. I am acquainted with Larousse. Larousse is as good an authority as Le Grande Encyclopoedae, but not any greater than that or Littre. It is true that in the same letter in which LaSalle uses the word "barque" in speaking of ships, he uses the word "navire." I have never run across the statement that to speak of a large ship as a "barque"
413 would be an insult to it. As to whether I know that LaSalle himself in speaking of a large ship uses the word "Navire" and speaks of the boat he was building on the Illinois in the same connection as a "barque," will say I did not notice the use in that connection. LaSalle uses the word "navire" and he speaks of the boat he is building on the

Illinois as a "barque." He also calls the Griffin, which was a sea-going boat, a "barque." As to what there is in any of the language used in that connection to indicate that he contemplated a deep waterway, would say that he contemplated a waterway that would float a "barque" such as the Griffin; at least he mentioned "barque" which was a tech-
414 nical term in those days and you must not look in the dictionary which gives only modern definitions. A "barque" was one of those boats which you will see off the coast of France in the fishing trades; one of those boats the Norsemen crossed the ocean in to fish off the coast of Newfoundland. That would mean a considerable canal to carry one of those boats.

Being asked to point out anything in LaSalle which indicates that he ever contemplated that the Griffin could make the voyage from Lake Michigan down the Desplaines or the Illinois, will say LaSalle did not contemplate that the Griffin would make it because that was lost, but boats similar to the Griffin, barques, in other words. On the contrary he did not contemplate that boats similar to the Griffin must necessarily unload at Chicago, and that is the reason that he said that Joliet was wrong.

415 Coming now to my translation of Margry, Volume 1, page 267, "The fourth remark," etc., I said I had found no translation of that. I know the Historical Magazine. As to whether I know that it has translated that particular passage in Volume 5 will say I knew that you introduced it but I never saw the translation. You introduced it in the state case some two years ago. I testified on direct, transcript page 59, to your question interrupting the direct as follows:

"Are there not published generally accepted translations of Margry's works?

The Witness. No, I understand that Mr. C. M. Burton, of Detroit, intends to publish in the Michigan Pioneer & Historical Society a translation of this work. There are, of course, translations of portions.

Mr. Scott. Is there a translation of the portion you are now referring to, published in any generally accepted work?

A. There may be. I don't know it."

416 Being asked if at that time I knew of the translation in Volume 5 of the Historical Magazine, will say I had never seen the translation in that magazine. As to whether

I knew that it had been introduced in evidence in the other case, will say I did know it at the time, but I did not know the translation, nor have I examined it critically. I did know that one existed at the time I testified on the direct, but I used the word "know" in knowing that I was not familiar with it myself. I made no effort to ascertain whether there was a translation of that portion, because I preferred to introduce the original French itself. In other instances I introduced translations by Thwaites of these same documents—of similar documents. I prefer to introduce in this case the original text of the French, and in the other cases Thwaites translations because I had tried Thwaites translations at various times and found them very good. I did not endeavor to ascertain whether Thwaites has translated this particular passage. As to whether or not it is a fact that Thwaites had translated it and that it appears in Volume 58 of the Jesuit Relations, will say it may be. Being asked if it is there that I would naturally look for it if I wanted an accurate translation, will say that would be a good translation.

Taking Volume 1, page 267 of Margry, the first sentence of my translation, reading "The fourth remark concerns a very great and considerable advantage, and one which it will, perhaps, be difficult to believe. It is that we should be able to go easily by ship to Florida by means of a very good waterway." The word I have translated "waterway" is "navigation," which seems to me to give the idea of the passage very well. My authority for that translation is my knowledge of the French. I referred to no other authority besides myself. Navigation does not mean voyage, it means the possibility of voyage. It means navigation
418 and would mean voyage too. Also I think the meaning
here would be very well given by waterway. In "There would be only one canal to make you continue," etc., the word I have translated "canal" is "saignee," which I looked up in the dictionary and found "canal," also "drains." I proceed: "There would be only one canal to make and that by cutting through one-half of a league of prairie to enter from the lower part of Lake Illinois into the river St. Louis. This is the road which one would take." The word I translated "this is" is "voicy." As to whether the translation "Here is the road which one would keep to" is correct, I cannot see much difference from my translation. It is a reference to what follows in the text rather than to what precedes it; that

which follows being a description of the route, but my
419 translation would show that. That is the meaning, it is
prospective. My translation goes on: "The ship would have to be made in Lake Erie, which is near Lake Ontario. It is easy to go from Lake Erie into Lake Huron." The word which I have translated "it" is "elle," meaning "she," la barque, ship. Therefore, the correct translation would be instead of "it is easy to go," "she would go easily from Lake Erie into Lake Huron." It would, the ship. I proceed, "It is easy to go from Lake Erie into Lake Huron, when it would enter into Lake Illinois at the bottom of which the ditch would be made where the canal of which I have spoken would be necessary to have a passage into the river St. Louis." The word there used to mean "ditch" is "tranchee." I then proceed by a new sentence, "In this way the barque would easily navigate to the Gulf of Mexico." In the French there is no
break there in the sentence, but a translator, of course,
420 has to break up these long involved sentences in order to
get the sense and make English out of them. I do not in any way change the meaning of the French. What I have translated in this way is to give the transference of thought in order to make it clearer in English. There are no words there which mean "in this way," but often one in translating is obliged to do that. The translation without breaking the sentence, and without putting in anything which means "in this way," would be this, "The ship would have to be made in Lake Erie, which is near Lake Ontario. It is easy to go from Lake Erie into Lake Huron when it would enter into Lake Illinois, at the bottom of which the ditch would be made where the canal of which I have spoken would be necessary for a passage into the river St. Louis, which empties into the Mississippi, there the barge being navigable easily
as far as the Gulf of Mexico." But I see no change in
421 the meaning at all. That would be a very literal transla-
tion. By breaking the sentence and saying "in this way," the reference is to the entire route from Lake Erie to the Gulf of Mexico, but my interpretation is just as correct. If it was translated literally, without breaking the sentence, the meaning would be that when the barge arrived at the Mississippi, there the barge would be easily navigable as far as the Gulf of Mexico, but it would not give the sense correct.

Q. Why do you assume that the sense is different from that conveyed by the sense as written by the author.

A. I do not mean that at all.

Q. You have said that the translation I have suggested would be a literal translation of the passage as it was written. Why then would it not give the sense?

Whereupon, the witness asked that his translation be 422 read again. Which translation was then read down to the point where the translation presented by defendant's counsel followed it as the context presented it, which translation appears on transcript page 420.

The Witness. That is all right and gives the sense all right. "Barge" is a poor translation for "barque." I am not a specialist in etymology. "Barge" is probably derived from the Latin "barca" which is the generic term for small boats of slight tonnage and sailing boats capable to going to sea. There is authority for the state-423 ment that the term "barge" is confined to sailing boats. Le Grande Encyclopoedae and Littre's, two of the very best authorities.

Q. And they both confine it to sailing boats, do they?

A. That is the generic term. Le Grande Encyclopoedae says that it is the generic term of ships of small dimensions employed in the coast and fishing trade. He says: "The largest are decked and attain a displacement of 150 tons. They carry one or two masts. Their forms and their gear are very variable. Those of the ocean generally have square sails. Those of the Mediterranean, latteen."

424 Q. Do you find in that anything to indicate that the term is confined to sailing boats?

A. That was the impression I got from the definition.

Q. Is there anything in there that so says?

A. Why I just read what it says.

Q. Well, is there anything in there that says that?

A. Yes.

Q. That they are confined to sailing boats?

A. Yes.

Objected to because question has been answered.

The Witness. I do not know Guerin's definition of "barge" or "barque." The Latin word "barca" was not confined, if I remember my Latin well enough, to canoe. I am not familiar with Guerin. I have always used Larousse. I do not know that Larousse defines 425 " barque" as a "petit batteaux." Have not looked up Larousse. I would translate "la petit batteaux," "a small flatboat." Being asked if I am still of the opinion that to translate the word "barque" as "barge" would be improper, would say as it was used in the 17th and 18th centuries I am afraid it would give a wrong impression, although, of course, the barges are large and sometimes carry sails. The boat it seemed to me that both Joliet and LaSalle had in mind was a boat that they could sail on the lakes and I think that would stand on an investigation. I am acquainted with some French and English dictionaries. I do not know Bellows or whether he gives as the only definition of the word "barque" the word "barge." If so, it is a very modern and very poor dictionary. You must not use a modern dictionary for seventeenth century French. Littre is the volume to use. It is all French. You would not use a French and English dictionary for that. There is no French-English dictionary modern authority, and they are all modern that would do for the interpretation of this word "barque." You have got to use a historical 426 dictionary like Littre or Le Grande Encyclopoedae. There is no definition in any standard dictionary of the word "navigation" as a "waterway."

Objected to as irrelevant and immaterial, etc.

I have read into the record excerpts from certain letters, reports and publications in which the words "Chicago" and "Chicago river" appear. As to whether I wish to be understood that whenever the word Chicago appears in those excerpts, it refers to the present site of Chicago, will say each passage has to be interpreted by itself as to the exact meaning of the term, in the light of 427 all the passages and our general knowledge of the territory.

(Question read.)

The Witness. The word "Chicago" is sometimes used to represent the Desplaines river, and sometimes the Chicago, and is also used to represent the port at the mouth of the Chicago.

(Question re-read.)

The Witness. If you mean to limit the term "Chicago" to a place not meaning the Chicago river, then I 428 would say that when the passages contain simply the word "Chicago," they seem to imply a position near the mouth of the Chicago river. As I remember them, the term Chicago seemed to be fairly definite in each case in which I noticed carefully the use of the term. In the

very early passages where the term "Chicago" is used, there is no question but what the term is more or less indefinite, but gradually there is a limitation of it until the term "Chicago" seems to take a very definite idea in the minds of the writers. After the publication of DeLisle's and D'Anville's and Bellin's map, the term Chicago assumed much more definiteness in the minds of the writers. That was about the end of the first quarter
29 of the eighteenth century, 1725. I do not understand that wherever the words "Chicago river" appear in these excerpts to which we have referred, that they refer to the Chicago river as now known, because the name "Chicago" is also given to that branch of the Illinois river that we know as the Desplaines. The very early writers are very indefinite as to Chicago. I refer to the seventeenth century writers. I am referring to the Chicago river, not Chicago. It is very difficult to say when the term "Chicago river" became definitely applied to what is now known as the Chicago river, because it largely depends upon the information of the writer, but without doubt these people that knew the region well, had come to apply the word Chicago to the present Chicago river by the first quarter of the eighteenth century, and yet there are indefinite uses of the words "Chicago river" often after that. I do not want to make too definite a statement as to the term becoming definitely associated with the Chicago river by
430 1725, but in the minds of those who knew the region, the term "Chicago river" came to mean the present Chicago river. By "those who knew the region" I mean the traders who were carrying their merchandise up the Chicago and down the Desplaines. Whether or not I include map makers among those who knew the region depends upon the period of the map maker. Those that would make the minute sketches of this region would, of course, know the Chicago river. The map makers of larger areas, such as of North America, would scarcely put on their map "Chicago," so that we could hardly expect to find on the large maps the names of the smaller rivers. It is hard to say at what period map makers of standing sufficiently knew the region to apply the names accurately,
431 because there were no minute maps of the region and so names were not given. Although map makers might well have known the names of the rivers, they did not put them on their maps, but by the middle of the eighteenth century

even the map makers probably knew the name of the Chicago river. The British Board of Trade Report of 1721, which I referred to on my direct, used the term fairly accurately. I find on Mitchell's map, 1755, "river and
432 port of Chicago"; Bellin's map of 1744 has "river and port of Chicago." We have not all of the maps that were made of this country. That is the earliest one that I can refer to right here. Bellin himself got out a map earlier than that. I do not know positively of any map on which the term "Chicago river" is applied to the present Chicago river earlier than Bellin's map of 1744. As to whether the name Desplaines or Plein or Auxplaine had been generally applied to the Desplaines river by 1744, I should say up to that time it was generally called the Illinois. I do not think of any case of the use of the word Desplaines prior to that time to mean what is now known
433 as the Desplaines river. On Moll's map of 1720 the river Chicago does not appear by that name. It is simply marked "land carriage" without the word "Chekakou" at all. Moll got out a great many maps, one in 1720, which appears on page 668 of Andreas' History of Chi-
434 cago. It is there called "Land Carriage of Chekakou." I have frequently referred to and am familiar with D'Anville's map of 1755. In my direct testimony I referred to D'Anville's map of 1710, which is practically the same map as the one of 1755. He called the river Chicago, what is now known as the Desplaines river, and then also notes at the mouth of the present Chicago, "Chicagou," meaning evidently a place. "R. de Chicagou" was applied to
435 the Illinois and the Desplaines.

Objection: This line of questions is the introduction of new evidence by the witness on cross-examination.

The Witness. If I did not refer to DeLisle's map in my direct evidence, I did on my cross-examination. On that map the term "Chicagou R." was applied to the Desplaines, and the Kankakee was there referred to as the "river de Macopin."

436 Being asked if at that time that river was well known as the Kankakee, will say that it had been called the Kankakee or the Theakiki.

Objection: Incompetent, irrelevant and immaterial.

The Witness. Am familiar with Franquelin's large map of 1684.

Q. Do you know of the use of the term "Chicago" on one of Franquelin's maps as representing the Ohio?

Objected to as incompetent, irrelevant and immaterial and not proper cross-examination.

A. I am not certain that this statement by Andreas is correct. I think that the word Chekagou is given to the Ohio rather than to the—no, I guess that is what he says. Yes, I know that map, and that he there gave the word "Chugagoa" to the Ohio, but of course that is the earliest
437 map of the western country that we have. As to whether or not at an earlier period the term Chicago had been used to designate the Mississippi, or any portion of it,
438 particularly the lower portion, will say if it has it has escaped my notice. I have testified that prior to some time about the end of the first quarter of the eighteenth century the term "Chicago" as applied to a place, was used more or less indefinitely. As to what place it was at times applied to, will say it was applied rather indefinitely to the region at the southwestern corner of Lake Michigan when it was applied to the region at all.
439 As to how wide a locality it was applied to, its extent east and west, that would be very difficult to answer. It was a rather indefinite use to apply the term to that locality. It was applied at times to a general locality and not to a particular point therein. That use continued up to about 1725 and even after that individuals might apply it in an indefinite way. As to whether from time to time it was applied so as to include the country about St. Joseph or the St. Joseph river, there are one or two passages where the writer seems to have mixed up the two places as I interpret the passages. I mean the writer had in mind both, had confused both sites, the southwestern and the southeastern region of the lake. I believe that because in the course of time the word Chicago became fixed in one locality and had a very definite mean-
440 ing, and we must judge the rather indefinite uses of the name in accordance with the later uses. As to whether I mean that some writers referred to Chicago, meaning a place at or near St. Joseph, the passages I have in mind as I interpret them, are that there was a confusion in the minds of the writers between the two places, illustrated not by the use of one name when he meant the other, but both names at once in the same passage as applied to the same place. I believe the board of trade re-

441 port which I referred to on my direct, seems to have made that confusion. The passage is this (reading):

> Michigan Historical Collections, page 5:
>
> "From the Lake Huron they pass by the straight Michillimackinac four leagues, being two in breadth and of a great depth, to the Lake Illinois; thence 150 leagues on the lake to Fort Miamis, situated on the mouth of the river Chicagoe; from hence came those Indians of the same name, viz: Miamis, who are settled on the forementioned river that runs into Erie.
>
> Up the river Chicagoe they sail but three leagues to a portage of one-fourth of a league; then enter a small lake of about a mile, and have another very small portage, and again another of two miles to the river Illinois; thence down the stream 130 leagues to Mississippi."

Being asked what indicates to me a confusion therein of the names St. Joseph and Chicago, will say the Fort Miamis must be the fort on the St. Joseph which they situate on the mouth of the river Chicago. Then the description of the portage "up the river Chicagoe," etc., seems to describe the Chicago portage. As to whether it also described the St. Joseph portage, will say the French at that time were pretty generally using Theakiki for Kankakee. It is true that at that 442 time the name Illinois appeared both in writings and on maps applied in instances to the entire river, not mentioning the Theakiki or the Kankakee. It is possible that the mistake he made was in using the same river Chigagoe, meaning thereby the river St. Joseph. Taking into consideration in that connection "The fort is not regularly garrisoned" does not indicate to me that he had in mind the fort at and therefore meant the St. Joseph River, because there is very good evidence that there was a fort at Chicago also which was not, of course, regularly garrisoned either. The passage is capable of two constructions. The fort at Chicago, however, was not Fort Miami and it is true that there was no fort at Chicago at this time, 1720. As to whether or not it would be rather the truer presumption inasmuch as he speaks of a fort then existing and not garrisoned, that the error was in using the word Chigagoe for the river instead of the word St. Jo- 443 seph, I would say that the presumptions were about equal.

The passage I have read from the Board of Trade Report is practically a quotation from Logan's report, which I referred to on my direct at transcript 129. Therefore, my com-

ment on the report as appearing in the Board of Trade applies equally to Logan's report. There is a confusion as to whether it might be the St. Joseph or the Chicago. I am still of the impression that the mistake was in the fort rather than in the river. As to whether the language "From hence came those indians of the same name, viz: Miamis, who are settled on the forementioned river," is a further indication that the mistake was in the river and not the fort, will say I noticed that language. Those Miamis were at the south-
444 east side of Lake Michigan, except that they were earlier than this upon the southwestern side also. Much earlier than this—no, not so much earlier. I guess you are right, they were much earlier. The Miamis moved. At this time, and for many years before that, the Miamis to whom he refers here, were upon the St. Joseph river and in that locality. With that added fact in view as to whether it is reasonable to suppose that what he meant was the St. Joseph river and not the Chicago river, I should interpret it that there was—that the man had heard of two passages possibly and had confused them into one. If my construction is correct, that it is a mere confusion and that he did not certainly mean the St. Joseph, the weight of the two reports, Logan's and the Board of Trade, as evidence, would not necessarily materially depend upon which one he meant, if he had a knowledge of the two portages and confused them into one. It is then true that in so far as these two passages are relied on, it is upon what a writer had heard who had himself no such definite understanding as to enable him to discriminate between the St. Joseph route and the Desplaines route. I have before me a passage from 1 Margry, pages 267 and 268, referred to by me in my direct. "The relation of the new discovery of many countries situated to the south of New France, made in 1673," appearing in 58 Jesuit Relations, presents at page 105 a translation of the same passage that was translated by me from the same volume of Margry. This translation is by Thwaites. I have testified to the high character of his translations. The passage is as follows:

"The fourth remark concerns a very great and important advantage which perhaps will hardly be believed; it is that we could go with facility to Florida in a barque
446 and by very easy navigation. It would only be necessary to make a canal by cutting through but half a league of prairie to pass from the foot of the lake of the Illinois

to the River St. Louis. Here is the route that would be followed:

The bark would be built on Lake Erie, which is near Lake Ontario; it would easily pass from Lake Erie to Lake Huron, whence it would enter Lake Illinois. At the end of that lake the canal or excavation of which I have spoken would be made, to gain a passage into the River Saint Louis, which falls into the Mississippi. The Bark, when there, would easily sail to the Gulf of Mexico."

447 Q. In your evidence yesterday you stated that by breaking that sentence and having it read as you did, "In this way the barque would easily navigate to the Gulf of Mexico," in substance you stated that that would represent the true meaning better than the translation which I submitted to you: "There the barque being navigable easily as far as the Gulf of Mexico," there being no break in the sentence. Having read Thwaites' translation are you still of the same opinion?

A. I think I should be willing to accept your suggestion or correction. I have stated that it would not properly express the meaning to translate the word "barque" as barge. If you define "barque" which has a very technical meaning in that period—Thwaites has translated it into English "Bark." As to whether it may be presumed that he used the English word in the English sense, will say I have not looked up the meaning of bark in the English dictionary. Should be glad to say whether it is
448 correct if you can define the word. Bark as I have conceived it might mean a smaller boat than the French barque as was used by LaSalle and hence my translation "ship" means something that can sail, for which I have eminent authority. I have not read the translation appearing in the Magazine of American History. It would be impossible to say when I first became acquainted with the fact that Thwaites had translated this passage and that it appeared in Volume 58 of Jesuit Relations. I have, of course, known the Jesuit Relations for a number of years. I cannot tell because I do not know when I first became acquainted with it.

Q. You testified in your direct that there was no translation of this particular passage so far as you knew.

A. As far as I knew at that very moment. I did not
449 recollect this one of Thwaites at that moment. Had I

known that Thwaites had translated it I might have thought it necessary to translate it because there were a series of passages from Margry, the French of which I possess in my own library, and all those passages I took as being very convenient to translate. Knowing that Thwaites had translated it, I would not necessarily have compared my translation with his. It is quite possible that as a matter of fact I knew that he had translated it and myself read his translation into the record in the state case.

Q. I hand you now the abstract of the record in that case. You have it before you?

Objection: Incompetent, irrelevant and immaterial.

A. I have. Having refreshed my recollection thereby, will state that I testified to that translation and read it in evidence on the state trial. The passage I translated 450 was precisely the one I have presented here upon my own translation.

Q. Did you upon that trial read or hear read the translation of the same passage from the Historical Magazine?

A. I do not think that I heard it read.

Q. Did you read it?

A. Yes, I read it. Refreshing my memory by looking at Volume 5, Historical Magazine, page 238, the paragraph beginning, "The fourth remark," the word "Barque" was translated "boats"; the word "navigation" was translated "navigation." The words which I translated, "In this way the bark could easily navigate to the Gulf of Mexico," are here translated "The bark having thus entered this river would sail easily to the Gulf of Mexico."

Objection: An attempt is made to introduce part of this translation without introducing the whole of it.

Whereupon counsel for defendant read the entire translation from 5 Historical Magazine, page 238, as follows:

451 "The fourth remark concerns a very important advantage, and which some will perhaps find it very hard to credit; it is that we can quite easily go to Florida in boats and by a very good navigation. There would be but one canal to make, by cutting only one half a league of prairie to pass from the lake of the Illinois (Michigan)

into St. Louis river (Desplaines). The route to be taken is this: The bark should be built on Lake Erie, which is near Lake Ontario; it would pass easily from Lake Erie to Lake Huron, from which it would enter the lake of the Illinois. At the extremity of this lake would be the cut or canal of which I have spoken, to have a passage to St. Louis river, which empties into the Mississippi. The bark having thus entered this river, would sail easily to the Gulf of Mexico."

I think I recall that there was another passage referred to on my direct (though I do not remember which one) than
452 the Board of Trade where St. Joseph and Chicago were confused. I agree with Andreas that in the very early times Chicago was a name applied to a tract of country at the South end of Lake Michigan. That is substantially correct. I do not agree with him in the sentence "It nowhere has been found by the writer located by the earlier writers upon the west side." I should say that most of the earlier writers, prior to 1725, located it on the west side. I think Charlevoix did, but I do not know that I can find the passage. Here it is in Charlevoix's Journal of a Voyage to North America, page 165, (reading):

"It is now three days since I set out from this place for Chicago by coasting along the south shore of Lake Michigan; but we found the lake so stormy that we resolved to return hither and to seek out some other way
453 to reach Louisiana."

That is dated September 14, 1721. Page 183 of the same letter reads:

"I believe I gave you to understand in my last, that I had two routes to choose, in order to gain the country of the Illinois; the first was by returning to Lake Michigan, coasting along the southern coast, and entering the little river of Chicagou. After ascending five or six leagues up this river, there is a passage to that of the Illinois, by means of two carrying places, the longest of which is not above a league and a quarter."

Gravier mentions Chicago in, I think, 1700, but I did not
454 say that it was definitely located. I read from 65 Jesuit Relations, page 101:

"Relation of the Voyage of Father Gravier in 1700, from the country of the Illinois to the Mouth of the Mississippi:

'I received on my return from Michilimachinack the letter that you did me the honor of writing to me by way of the Mississipy, addressed to Father Aveneau, who sent it to me at Chikagoua—whence I started in 1700, on the eighth of September to come here."

455 Gravier again speaks of Chicago on page 103. I did not read that passage in evidence on my direct. It is as follows:

> "And may God grant that the road from Chikagoua to the Strait be not closed, and that the entire Illinois mission may not suffer greatly thereby."

The strait I think refers to the Peoria region, the narrowing of the Illinois river below there. Looking at page 53, I find a passage in another letter from Gravier to de Lavel.

456 Whereupon, after objection of counsel for the government that the passage offered was not proper cross-examination, and on the further ground that the passage was from a letter which had not been introduced in evidence in the direct examination, the passage was read into the record by the witness as follows:

> "We shall also be safe from the threats of Monsieur the Count de Frontenac to drive us from our missions, as he has already done from that of l'ange gardien of the Miamis, at Chicagwa,—the charge of which Monseigneur of Quebec had confided to me, by his patents giving me the care of the missions to the Illinois, Miamis and Scious, and confirming the powers that Your Grace had conferred upon Father Marquette and Father d'Alloues, who were the first missionaries to those southern nations.
>
> 457 If Monsieur the Count de Frontenac had learned that in our missions we had done anything unworthy of Our Ministry, he could easily have applied to Monseigneur the Bishop or to his Grand Vicar. But he could not otherwise than by violence drive us from our Missions of Chikagwa, and we hope that Monseigneur of Quebec will not suffer such violence, which is so prejudicial to his authority."

I notice that in that letter Gravier refers to L'Ange Gardien of the Miamis at Chicagwa, which I will hereafter refer to as the Mission of the Guardian Angels. As to whether that passage suggests to me that Gravier might have meant some other place than Chicago of the present site, it would of course suggest the question of where was located the Mission of the Guardian Angels of the Miamis. The location of the to the River St. Louis. Here is the route that would be followed:

The bark would be built on Lake Erie, which is near Lake Ontario; it would easily pass from Lake Erie to Lake Huron, whence it would enter Lake Illinois. At the end of that lake the canal or excavation of which I have spoken would be made, to gain a passage into the River Saint Louis, which falls into the Mississippi. The Bark, when there, would easily sail to the Gulf of Mexico."

447 Q. In your evidence yesterday you stated that by breaking that sentence and having it read as you did, "In this way the barque would easily navigate to the Gulf of Mexico," in substance you stated that that would represent the true meaning better than the translation which I submitted to you: "There the barque being navigable easily as far as the Gulf of Mexico," there being no break in the sentence. Having read Thwaites' translation are you still of the same opinion?

A. I think I should be willing to accept your suggestion or correction. I have stated that it would not properly express the meaning to translate the word "barque" as barge. If you define "barque" which has a very technical meaning in that period—Thwaites has translated it into English "Bark." As to whether it may be presumed that he used the English word in the English sense, will say I have not looked up the meaning of bark in the English dictionary. Should be glad to say whether it is
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Miamis is rather indefinite. To refresh my memory I would like to refer to St. Cosme's Journal. From the evidence 458 of St. Cosme I take it that the Mission of the Guardians at Chicago was near the present site of Chicago. Being asked what there is in St. Cosme that so indicates, will say that he describes his passage pretty fully in such a way that there can be little doubt but what he went by way of the Chicago and Desplaines river. He says there:

> "The Indian village is of over 150 cabins, and one league on the river there is another village almost as large. They are both of the Miamis. Rev. Father Pinet makes it his ordinary residence, except in winter when the Indians all go hunting, and which he goes and spends at the Illinois."

How near Guardian Angels' Mission was to Chicago I gather from this language of St. Cosme's report:

> "Their house is built on the banks of the small lake, having the lake on one side and a fine large prairie on the other."

Supposedly he refers to Mud Lake. If that is a mistranslation and the word there translated "lake" means "river," I do not suppose it is Mud Lake. It might be something else. I have not seen the original French of this. I have not, 459 until this time, investigated where the Mission of the Guardian Angels was. I knew the title and always placed it, as other historians have, at Chicago. As to the other historians, Shea evidently thinks that Father Pinet was stationed at Chicago. Have not noticed in this connection the list of the missions appearing in Thwaites' Index, Jesuit Relations 72, page 34. I never noticed that it says, "St. Joseph river—Holy Guardian Angels Miamis," nor do I think I have ever read the passage in 1 Thwaites' Jesuit Relations, page 223, as follows:

> "Above the Iroquois, towards the west and north, between the fortieth and forty-fifth parallels, one may see two great lakes joined by a narrow strait; the larger one is called the lake of the Illinois, the other the lake of the Huron. They are separated by a large peninsula, at the point of which is situated the mission of St. Ignatius, or Missilimakinac. Above these lakes there is a third greater than either, called Lake Superior. At the entrance of this lake has been established the mission of St. Marie at the Sault. The space between this and two smaller lakes is occupied by the Outaouki, among whom

460 the Society has many stations. Three such citadels of religion (for thus it is proper to call the Missions), whence she leads forth her soldiers and unfurls her sacred standards, have been located about the lake of the Illinois; and first, among the Puteatamis, and called the Mission of St. Joseph, another among the Kikarous, Maskoutens, and Outagamies, and possessing the name of St. Francis Xavier, the third among the Oumiamis, has the name of the Guardian Angel."

I recognize the space between this and the lower lakes as referring to the Southern peninsula of Michigan.

Q. And he speaks of a third among the Oumiamis. Where were the Miamis then located?

461 A. It is possible that Dr. Thwaites is wrong. The Miamis according to St. Cosme who made the journey, were situated at what he called Chicago and from his statement Chicago was approximately where it is today. He does not give the title of the Mission there, but speaks of Father Pinet and Father Binneteau who were Jesuit Missionaries at Chicago. In this translation St. Cosme does not state that after visiting Fathers Pinet and Binneteau on the 24th of October they started for Chicago. This translation gives the full letters. (Reading):

"On the 24th of October, the wind having fallen, we made our canoes and come with all our baggage, and perceiving that the waters were extremely low, we made a cache on the shore, and took only what was absolutely necessary for our voyage, reserving till spring to send for the rest, and we left in charge of it Brother Alexander, who consented to remain there with Father Pinet's man, and we started for Chicago on the 29th, and put up for the night about two leagues off, in the little river which is then lost in the prairie."

462 That is on the 29th. Upon your questioning I have testified that the Miamis were at the southeast at this time although they had been on the southwest many years before. I should like to change the statement now because the Miamis seem to be, according to St. Cosme, around Chicago. As to whether I now change my opinion as a historian expressed on my direct as to where the Miamis were, from the fact of having read this statement from St. Cosme, will say my direct testimony in speaking of the Indians, was a general statement as to the location of the Indians, covering 150 years, and of course during

that time they moved about a great deal. Did not mean to give an exact picture of the region at any one time, 463 but a general picture. I have seen the map which Thwaites has inserted at the back of Volume 1, Jesuit Relations, showing the location of the various Indian tribes during the mission period. Though I do not recall where he places the Miamis on the map I imagine he places them where they were at a later time situated. As to whether I mean in later times than the mission period of which he is speaking, will say the mission period lasted, of course, well down the eighteenth century. His map was made with relation to the Jesuit Relations to indicate where the tribes were that were spoken of at the time of those relations, but that covers a long period of time. As to whether it is my opinion that he did not intend by his map that the Miamis were in the place he had put them in on that map during the period from 1675 to 1700, I will say he probably had that opinion. As to whether his opinion is shared by other historians it de- 464 pends on the time. Turner places the Miamis on the western shore of Lake Michigan in the earlier period, and he is evidently right from St. Cosme's narrative which is, of course, more authoritative than Thwaites'. Thwaites has a translation of St. Cosme's narrative. I do not think it has been published.

Q. You have no doubt when he made his map he was entirely familiar with all that St. Cosme has to say on the subject?

A. I cannot say as to that.

Whereupon objection was made by counsel for the government on the ground of incompetency, irrelevancy and immateriality of testimony as to what Mr. Thwaites may have had in mind.

Professor Alvord (continuing): I can not say what he had in his mind when he wrote that passage. I would not like to analyze his mind.

As to whether on any of the maps from 1700 to 1790 I find the Miamis located anywhere except at the south and southeast of Lake Michigan, I would say on none of the maps 465 that I have at hand here do I find them located elsewhere.

Since your asking the question and before my answer to it I examined the maps that I have at hand. I find the Miamis located upon one of these maps, which is the map of Nicholas

de Fer of 1705. The Miamis are here shown in the southeast corner of Lake Michigan. Fort Miami is shown or located on the St. Joseph river. On Moll's map of 1729 I find the Miamis located at the southeastern corner of Lake Michigan, and upon the map, which I have introduced, entitled "Carte Particuliere du Fleuve Saint Louis," of about 1700, I find them
also in the southeastern corner. I also find a fort there
466 on the St. Joseph river, called Fort of Messieur de La
Salle, and on the map by Denis of 1779, heretofore introduced by me, the Miamis are located at the southern end of Lake Michigan; also on the river St. Joseph.

As to whether I have now referred to all the maps which show the Miamis, you asked me a general question, if I found them anywhere else than at the southeastern corner, and I answered that did I not.

Referring to the map of 1744 by Bellin, I would say that Bellin gives the village of the Miamis, and the village of the Pottawattomies on the southeastern corner of Lake Michigan. So far as I know I would say that not to my knowledge is there any map between DeLisle's map of 1700 and Sayer and Bennett's map of 1790 that shows the Miamis anywhere ex-
cept at the south or southeast of Lake Michigan. I do
467 not know Mr. Albert D. Hager. I never met him. I have
read his article. As to whether it indicates careful research, I would say no, it indicates rather the reverse; not because he assumed or concluded that Marquette had not come by Chicago, but I thought he did not make out a complete case. He did not take into consideration very important considerations. I am aware that it appears in Andreas, to which I have referred as a work of value. I am aware that Andreas inserts it both, as he says, because of the merits of his argument and their appreciation of his value of his new theory
concerning the settlement of the northwest; but Andreas
468 also says in his text that he does not agree with Mr.
Hager in his conclusion.

Whereupon the said extract from the said article was read into the record, as follows:

> "The early writers often speak of the Miamis at Chicago. Many old maps have been examined by the writer, but not one indicates that the Miamis ever resided where Chicago now is. On the contrary the Mascoutins are shown to have been there, and the Miamis were invariably located on the Fox River, in Wisconsin, or at the southeast of Lake Michigan, on the St. Joseph, Wabash

> and Maumee rivers. The latter name, a synonym of Miami, was formerly called the Miami River of Lake Erie, and the St. Joseph was frequently called the river of the Miamis. Le Corcq says: 'The Miamis (1680) are situated south by east of the bottom of Lake Dauphin (Michigan), on the borders of a pretty fine river, about fifteen leagues inland, at 41 degrees north latitude.'
>
> On an old French map, now in the archives at Paris and lately produced by M. Margry, bearing date of 1679-82 the Miamis are located southeast of Lac de Illinois (Michigan) on the B. des Miamis (St. Joseph)."

468 PROFESSOR ALVORD (continuing): I know of no map
which shows the Miamis at Chicago. As to whether
there is any from the period of 1679 on, which shows the
Miamis anywhere except at the Fox river in Wisconsin or
St. Joseph I would say that I do not know of any. St.
469 Cosme made his journey in 1698. As to what is the first
reference to the country of the Miamis that I recall, I would say that it would probably be better to refresh my memory on that. I should look first at La Salle's statement. It would probably be LaSalle. In one of the passages I read in evidence La Salle refers to Kankakee, which has its source in the country of the Miamis, substantially. As to whether I find any earlier reference than that that I can now recall without research, I would say no. The country indicated by LaSalle would be the upper Wabash and St. Joseph rivers.

Referring to Wisconsin Historical Collections, Vol. 16, page 127, I find an account of the Detroit post.

470 Quotation objected to as not proper cross-examination.

I find there the land on the north (sc. west), referring to Detroit and its neighborhood:

> "side extends toward the Miamis, where is a river by which one goes in six days to that country whence one can easily reach the Mississippi."

The river referred to there is the St. Joseph and the Kankakee.

Whereupon counsel for the defendant took up a question asked on the previous day on cross-examination, as follows:

> "You have referred to many passages as indicating the use of the Chicago-Desplaines route, or, as it is in other places put, the Chicago-Desplaines portage. Can you now tell how many specific instances of the actual

use of the Desplaines river on a journey to Chicago appear in the letters, reports and documents you have quoted or referred to in your direct testimony in this case?"

471 A. I find fourteen. I will give them in order as I have jotted them on this list: Marquette and Joliet, 1673; Perrault, 1783; Marquette, 1674; Joutel, 1688; Heward, 1790; Hubbard, 1819; Furman, 1830; Ebenezer Child, 1821; Fonda, 1825; Tonty, 1680; La Salle, 1681; Father Membre, 1682; St. Cosme, 1698; Hubbard, 1818.

In reference to the second question asked me as to how many specific instances the actual use of the Desplaines river on a journey from Chicago appear in the letters, reports and documents I have quoted or referred to in my direct testimony in this case, I would ask as to whether I understood the first question. I understood the question to mean journeys up and down. If the first question specifically stated or referred to journeys to Chicago, then I would like to
472 change my answer.

Whereupon the question was again answered as follows: Those to Chicago were Joliet and Marquette, 1673; Perrault, 1783; Joutel, 1688; Hubbard, 1819; Ebenezer Child, 1821; Tonty, 1680; LaSalle, 1681; Fonda, 1825.

The journeys from Chicago were: Father Membre, 1682; St. Cosme, 1698; Hubbard, 1818; Marquette, 1674; Heward, 1790; Furman, 1830.

As a historian it is my opinion that in each instance which I have referred to in these letters or answers, the persons there named actually used the Desplaines river as a route, either going to or from Chicago.

I have named all journeys of that character, specific
473 uses, of which I know. I have exhaustively searched from the time that Joliet and Marquette were first at the Desplaines river down to 1834. In some cases the narrators said they used a river, that was undoubtedly the Desplaines and in a few cases it seemed to me undoubtedly the Desplaines.

I am now prepared to answer the third question which was reserved, which was:

> "I will ask you before you come on the stand again, to ascertain whether any French dictionary to which you have access translates navigation as waterway?"

The best authority on a question of disputed translation is

Littre Dictionary de langue Francais. If there is any dispute among French scholars they would go immediately 474 to Littre as the final authority, and I find this definition given. It is of course given in the French language. This is not the first meaning given, but about the third: "Interior navigation such as takes place on lakes, rivers and canals"; and then the sentence showing the use:

> "A system of interior navigation susceptible of extending its ramifications into the countries that nature did not seem to have destined to profit by the advantages of this mode of communication."

A system of interior navigation would certainly be a system of interior waterways. As to what word is translated "waterway," I would say that this is all in French. The word I have here is "navigation." Being asked if I assume the same translation that I gave in my translation for which I was asked to find the authority, I will say this is giving a definition of the word "navigation" and it speaks of a system of interior navigation susceptible of extending its ramifications into the countries, etc. As 475 to whether I find any other authority than the one I have now referred to, I would say that is all sufficient.

Motion to strike out "all sufficient," etc.

476 The WITNESS. I am familiar with the map which is now shown me. The title page of the volume in which it is found is "Pierre Margry, Memories et Documents Pour Servir A L'Historie Des Origines Des Pays D'Outre-Mer Decouvertes et Establissements Des Francais, etc." The translation of this is: "Memoirs and Documents to serve for the History of the French Origin of the Country across the water. Discoveries and establishments of the French in the West and in the South of North America, 1614 to 1698. Vol-477 ume 3, Paris, 1879." This map shows the location of the Miamis around the St. Joseph river. In connection with the location of the mission of the Guardian Angel concerning which I testified this morning, the translation of St. Cosme that I referred to is found in Shea's. It refers to having a lake on one side and a beautiful prairie on the other. As to whether there was a prairie on one side of Mud Lake will say they might have called the prairie stretching from Mud Lake to Lake Michigan a prairie. In the neighborhood of Mud Lake was a swamp to the westward. As to the land on the east of

it, it was land that was capable of being occupied. It was lower to the eastward than it was to the westward.

Taking up the list of the distinct uses of the Desplaines-Chicago portage or the Desplaines-Chicago route to Chicago as I have named them, my attention is now directed to the trip of Joliet and Marquette in 1673. As to whether there
is no statement in the relations which I read of the use
478 of the river from Kaskaskia to Lake Michigan, I should
like to look at the passage again before answering. He mentions entering the river which is the Illinois river and then mentions no other river from that time on.

Q. But he gives an account of his trip up to Kaskaskia, does he not?

A. "We found on it a village of Illinois called Kaskaskia." Kaskaskia was on the Illinois river at that time, above Peoria. He does not mention in his Journal the route that they took after leaving Kaskaskia. There are no records of portages in those times all the way from the Illinois river to Lake Michigan, that were usually used by traders.
I do not know of any trips taken by explorer or trader
479 in the time when the water was not frozen, where a
portage was made from the lake to the Illinois river. At the time of Marquette's journey and from then on until the beginning of the eighteenth century, at least, the canoes used for navigation were very light and might be carried. The only language referring to how they went from Kaskaskia to Lake Michigan, is the following:

> "One of the chiefs of this nation, with his young men, escorted us to the lake of the Illinois, whence, at last, at the end of September, we reached the bay des puantz, from which we had started at the beginning of June."

Also:

> "In the spring and during part of the summer there is only one portage of half a league."

Judging from the maps that he and Joliet made, I judge it is the Desplaines river he there refers to. The only river he had been speaking of up to that point was the Illinois be-
low Kaskaskia. The language I refer to after stating
480 they entered another river I understand to mean the
Illinois river. Entered it from the Mississippi: "There are many small lakes and rivers. That on which we sailed is wide, deep and still for 65 leagues. In the spring and during part of the summer there is only one portage of half a

league." I should not read it that when he spoke of the river being "wide, deep and still with only one portage of half a league," that he was referring to the Illinois below Kaskaskia. In the first place the Kaskaskia village may be on the portage that he speaks of. It is quite possible the Kaskaskia village may have been on the Desplaines
481 river. It is not well known where the Kaskaskia village was at that time. It was not well defined by historians as having been on the Illinois river proper. The Illinois Indians, like all other Indians, moved their villages very easily and it is not a settled fact where the Kaskaskia Indians were at this very moment. As to whether anyone places it at any portage on the Desplaines river, will say from this passage alone it might be placed there, and this is the only reference we have as to where it was at that time. Being asked if by "measuring 65 leagues" he would have arrived at the Desplaines river from the Mississippi, am not certain that I know the length from the Mississippi to the Desplaines. I do not read it to mean that he either meant the 65 leagues to apply to his voyage to Kaskaskia or to Chicago, or to the portage at Chicago, in order to make the portage that
482 he refers to on the Desplaines river. I do not think he necessarily includes the portage within that 65 leagues. Taking up La Salle, I include him as having made use of the Chicago-Desplaines route in 1681. He went up the river in the winter. My remembrance is that he found ice most of the way. He simply followed it on foot. He says:

> "I left him there with the doctor, and set out the next day to ascend this river on foot. We could not travel on the ice, because the water of this river being very rapid, the ice was not strong enough, and the river winds in and out extraordinarily."

He does not say in the passage I have before me that he used sledges. In preparing to introduce this passage I used the context, but I prepared this testimony many months ago and have to refresh my memory. In 2 Margry, page 136, just preceding the point where my translation be-
483 gins, I find this language:

> "The cold had continued so extraordinary that the 13th the river was frozen over, which perhaps had never happened. We prepared sledges to carry on the ice our canoes, our food and our equipage."

As to whether or not there is anything in that letter which

states that he went to Chicago, not meaning simply the word Chicago, but by the description, would say he does not give a description of this whole route. He seems to infer that
484 he went up the Desplaines and then finally crossed over to the river Miami. As to whether there is no mention of the Illinois or that he followed the river after he reached the Desplaines, would say, yes, he says he went up the river having left his baggage at about the mouth, to mount the river on foot. But, from that point it appears, on page 138, that he traversed forty leagues of prairies, where wood for warming oneself could scarcely be found. On the same page it appears:

> "I can assure you that I have never suffered so much from the cold, nor had so much difficulty because we had no snow shoes."

This also appears:

> "We continued for 60 leagues as far as the river of the Miamis where I did not find Messieur De Tonty."

As to whether it is clear, therefore, that he traversed the prairie, I take the passage to mean that he went up the Desplaines river some ways, as he went up and found a cabin
485 of Tonty's, and then crossed over the prairie to the Miami. Being asked if he did not find that cabin of Tonty's six leagues below the mouth of the Desplaines instead of after he started up said river, will say no. He says after the sentence that he mounted the river on foot, that the water was so rapid that he had to, and then having coasted this day to see if he could not find cabins, he says:

> "We find one of them where we recognized that Messieur de Tonty had passed by there."

The word I have translated "cabin" is "cabanages." It means in this connection a camping place and not a cabin. He had previously found such a camping place five leagues below the mouth of the Desplaines. There is no evidence of how far he used the Desplaines; nor that he used the Chicago-Desplaines portage. His final terminus was the St. Joseph. He had evidently expected that Tonty had gone up the Desplaines and then possibly made his way over to the camp. He says :

> "We continued for 60 leagues as far as the river of the Miamis, where I did not find Messieur de Tonty as I
> 486 had hoped."

In the light of that narration I should not say that it is evidence of the use of the Desplaines-Chicago portage. I did not put that in as being of much use. I put it in my list of actual specific instances of the use of the Desplaines river. As to whether my answers to the questions I was asked of the Chicago-Desplaines portage, my answers may in some instances refer only to the Desplaines, I will say, No, I think not as a rule. In this instance there is no proof that he actually went to Chicago or that he went any particular distance up the Desplaines.

Taking up Joutel, the extract I read as to him, appearing at transcript pages 103-105, there appears at page 104
487 of said transcript of my testimony:

"At length, we set out on the 21st of March, from Fort Lewis. The Sieur Boisrondet, who was desirous to return to France, joined us, we imbarked on the river."

He there refers to the Illinois river.

"Which was then become navigable, and before we had advanced five leagues, met with a rapid stream, which obliged us to go ashore, and then again into the water, to draw along our canoe."

He there refers to the Desplaines. The evidence of the use of the Desplaines is contained in that language where he speaks of it as a rapid stream which obliged them to go ashore, and then again into the water to draw along their canoes.

"We arrived at Chicago on the 29th of March."

To what extent they dragged their canoes in the water does not appear. I believe Joutel made a map on which he gave various places.

Whereupon the cross-examination of the witness with reference to the map was objected to on the ground that it was not in evidence.

Professor Alvord (continuing): On this map Chicago is not mentioned. As to whether, according to this map, the route of Joutel might as well have been by the St. Joseph as by the Chicago, I would say only on the condition that Chicago meant a position at the mouth of the St. Joseph. As to whether he might have meant the Calumet or some other place in that region which was generally referred to as Chicago, I would say it might have been the Calumet.

489 Referring now to the reference to Ebenezer Childs, which appears in "Recollections of Wisconsin since 1820,

y Colonel Ebenezer Childs of LaCrosse," the references made n page 162 which appear on page 278-279 of the transcript re in Volume 4 of the Wisconsin Collections, in which passage he says that the streams had overflowed their banks and the whole country was unundated so that he was unable to find the portage of the Chicago to the Eau Plaine. He says that he found not less than two feet of water all the way across the portage. That was in 1821, and he found from the mouth of the Illinois to Fort Clark, where Peoria now is, but one French trader. I have not in mind the passage where Schoolcraft says he found no white inhabitants from Fort Clark to Chicago.

490 Speaking of Marquette's journey again, Marquette returned the second time in the winter of 1674 and 1675. As generally accepted by historians, he went by the Chicago portage to the Desplaines. I think almost all historians accept that statement. Justin Winsor is rather good authority. I have never seen a letter from Justin Winsor to George A. Baer of South Bend, Indiana, appearing in a publication "The St. Joseph-Kankakee Portage by G. A. Baker, 1899, North Indiana Historical Society, publication No. 1, page 21."

Whereupon the said letter was read in evidence as follows:

"Dear Sir:

In my cartier to Frontenac, I said that Marquette returned by the portage without indicating which one, because I could find no positive evidence to establish that point. Returning traders and Missionaries usually followed the eastern side of lake Michigan because they got some aid from a north-flowing shore current on that bank 491 of the lake; and for a like reason they usually advanced towards the Illinois country by the western side of the lake. In that case they naturally used, in going, the Chicago portage, and would naturally use, in returning, the St. Joseph portage. They still could pass north by the Chicago portage, and make the circuit of the southern curve of the lake. It seems possible that Marquette did this, but probably that he went north by the other portage (St. Joseph).

Very truly,

JUSTIN WINSOR."

Objection was raised at this point to this method of cross-examination, and because no proper foundation had been laid for the introduction of the same.

Professor Alvord (continuing): I have stated in effect that it is generally accepted by historians that he came by the Chicago portage. Thwaites is one of the historians that has generally accepted this. Miss Kellogg in her article certainly accepts it. Miss Kellogg's article refers to the first voyage, and I thought you were referring to the first voyage. Re-
492 ferring to the second voyage, I should think Thwaites in his Jesuit Relations accepts it. In a letter to me he accepted it. I think Andreas accepts it. I can easily look up that matter. Shea also would be of value on that point. I think I have Shea's Discovery and Exploration of the Mississippi Valley by my side here. Referring to page 520, as to whether I have learned from that passage that Shea says:

"He (referring to Marquette) seems to have taken the way by the St. Joseph river and reached the eastern shore
493 of lake Michigan, along which he had not sailed."

I would say Shea says in his narrative of the second voyage made by Father Marquette, on page 53:

"By his last journal, which we published entire from his autograph, we learn that Father Marquette was detained at the Mission of St. Francis Xavier, in Green Bay, during the whole summer of 1674. Recovering in September he drew up and sent to his superiors, copies of his journal down the Mississippi, and having received orders to repair to the Illinois, set out, on the 25th of October, with two men named Pierre Porteret and Jacques .... They crossed the peninsula which forms the eastern side of Green Bay, and began to coast along the shores of Lake Michigan, accompanied by some Illinois and Pottawatomies. They advanced but slowly by land and water, frequently arrested by the state of the lake. On the 23rd of November, the good missionary was again seized by his malady, but he pushed on and by the 4th of December had reached the Chicago, which connects by portage with the Illinois. But the river was now frozen, and though they attempted to proceed, the pious missionary submitted to the necessity and deprived even of the consolation of saying mass on his patronal feast, the Immaculate Conception, resolved at last, on the fourteenth to winter at the portage, as his illness increased."

494 That is on his trip down. This was on his second trip down. As to the question as to whether I stated that it was accepted by historians that he came up on his last trip, 1674 and 1675, by way of the Chicago Desplaines portage, will

say, I misunderstood the question. I was thinking of his journey down in the winter of 1674. The letter I referred to from Thwaites was in regard to the journey down. Since asking that question I have been engaged in reading Marquette's narrative. As to whether I have any independent knowledge of how he came back, I prefer to refresh my memory before
495 answering that. My memory is that it is rather indefinite the way he came back. I have now found the passage I was looking for. It reads:

> "After the Illinois had taken leave of the father, filled with a great idea of the gospel, he continued his voyage, and soon after reached the Illinois lake, on which he had nearly a hundred leagues to make by an unknown route, because he was obliged to take the southern side of the lake, having gone thither by the northern. His strength, however, failed so much that his men despaired of being able to carry him alive to their journey's end."

I am quoting from Jes. Rel., page 191 "Marquette's Second Voyage." This is the account of Marquette's second voyage down to the second voyage that Father Marquette made to
496 the Illinois. It is the only authority for Marquette's return voyage that I know of, and it does not show on the face of it who wrote it. I have been examining Shea, and this is not the same. I was looking at two things in the Jesuit Relations. I do not find the passage that you refer to in Shea, although I have no doubt it is there. The passage I have is in regard to his journey back in 1675. The passage is on page 57:

> "After the Illinois had taken leave of the father, filled with a great idea of the gospel, he continued his voyage, and soon after reached the Illinois lake, on which he had nearly a hundred leagues to make by an unknown route, because he was obliged to take the southern (eastern) side of the lake, having gone thither by the northern (western)."

497 The eastern side of the lake, that would be the route by St. Joseph. That is, he returned by the St. Joseph. That is from the original document concerning which Shea himself made comments, and, of course, what I read from the Jesuit Relations was the same.

Turning now to Perrault, which is found on page 353 of Schoolcraft, the Desplaines river is not mentioned in that article. That is my remembrance. The portage at Chicago is mentioned, page 355:

"My directions were to pass by Chicago, having one barge and one canoe, and to await the arrival of M. Marchisseaux at Little Detroit in Lake Michigan."

There is no reference in words to the Chicago portage, or as to how he was to pass by Chicago in this passage. There is no other part of the extract that I read into the record 498 which refers to the Chicago portage. It was possible to pass by Chicago without going up the Desplaines by way of the Chicago river portage, but it is not probable. It could be done by going by the St. Joseph, but he would not have come around by Chicago if he had. It is possible that he might have. There may be a record of passing by Chicago without making the Desplaines-Chicago portage. I have referred to Collot on by direct. The reference was: "Voyage Dans L'Amerique Septentrional by the late General Collot, Ex-Governor of Guadeloupe Tome Premier Paris, 1826." At page 341 of the French edition and 257 of the English edition appears the following:

"The second by ascending the Illinois river and gaining by Chikago the sources of the river Kennomick (Calumet) which empties itself likewise into the same lake."

By the Kennomick he probably referred to the Calumet. He was describing the routes of travel. And one way of passing by Chicago was by the use of the Calumet in conjunction 499 with the Desplaines. As to whether that would eliminate the Chicago and the Chicago portage, I would say that there was used at times a portage between the Little Calumet and the Desplaines by way of the Sag. I am familiar with LaHontan's Voyages to North America.

Whereupon references to LaHontan were objected to as incompetent, irrelevant and immaterial and not proper cross-examination.

Q. You have testified that you recall no portage from the Illinois river to Lake Michigan. Did not LaHontan make that portage by engaging 400 men to transport his baggage?

A. No, because LaHontan never made that trip, according to the best authorities. He is another of the Dr. Cook variety. The most authoritative study of LaHontan is the study by J. Edmond Roy in the proceedings of the Royal Society of 500 Canada, Volume XII, 1st series. He says there is no evidence, in fact the evidence is all against his having made that particular trip. I remember the account of the trip referred to. I remember the passage:

"The 29th I arrived at the Village of the Illinse; and

> to lessen the drugery of a great land carriage of twelve great leagues, I engaged four hundred men to transport our Baggage, which they did in the space of four days."

As to whether I recall Schoolcraft having made the same portage with horses, I would say I have forgotten it if I knew it. If Schoolcraft describes such a portage he would know what he was talking about. I remember that Mr. Justice Phillips' report stated that there was a well beaten wagon road from Chicago to the mouth of the Desplaines and
501 that horses were kept there by the French and Indians for the purpose of transporting goods to Chicago. He made that statement in conjunction with the statement in regard to the use of the Desplaines. The exact date when the first road was laid out by the government between Ottawa and Chicago escapes me, but an approximate date would be around 1830. It might have been earlier. It was laid out, as I understand it, by the State of Illinois after getting control of the land granted for the canal. As to whether it was not laid out prior to that time by the Commissioners of Peoria County, I would say my recollection is not exact on that point. The first reference that I have found with reference to horses, the possibility of using horses for transportation of goods from the Illinois river at about Ottawa, to Chicago, is I think La Salle.

502 As to when the voyage of Mr. Sara was that is referred to in the extract I read from Gurdon S. Hubbard, I would say there is no definite date given. Of course it was prior to 1818. It could not have been earlier than 1756 or thereabouts, because that was the date that Sara made his first appearance in Illinois. It was probably sometime about that date.

In my direct evidence I ceased reading the story of Sara (Trans., 268) with the sentence:

> "The bale contained a few pieces of calico, powder and shot, tobacco and flints, and steels for striking fire, which delighted them exceedingly."

And then omitted one paragraph appearing at p. 39 of Hamilton Hubbard's, which I now read as follows:

> "He then said to them, 'You see my canoes are light; I have but little in them, but when I camped last night you saw them heavily loaded. I had a dream; the Spirit told me you held a council, and determined to rob me
> 503 when I passed your village this morning, that is why you see my men with guns, tomahawks, and knives, with which to defend themselves; we did not fear you, though

there are many of you and we are but a few, though you might have overpowered us; we are now friends, and I want you to help us; go with my men, take your pack-horses and bring the goods I have left behind and help us down the river with our boats until we reach the deep water below the shoals, when I will give you another bale of goods in token of my friendship, and bid you farewell.' To this they consented; the goods were removed from their hiding place and transported on horses to the confluence of the Desplaines and Kankakee rivers and again loaded in the canoes; the Indians being both surprised and amused at his strategy. This is the story as related to me."

It would appear that they had pack horses at that point at the date of Sara's journey. From the fact that the paragraph just read into the record ends "This is the story as related to me," I would say that the next paragraph which I read into evidence on my direct then takes up Hubbard's journal again and is not Sara's journey. In the next paragraph I find 504 men carrying goods on their backs. As to whether I find other references to the Desplaines in Hubbard than those I read on my direct, I would say my memory is that there were other references, but I was interested simply in that one particular trip as I had two accounts of it. As to whether I made a search of all references as to the use of the Desplaines I would say, yes, I sought to introduce all the most important passages in regard to the use of the Desplaines river, those that were necessary to give sufficient light on the subject.

Whereupon the attention of the witness was called to the passage on page 136 and 137 of Hubbard's book entitled "Placed in Charge of the Illinois River Trading Posts." I saw that passage. I did not furnish that to the government, because—

COUNSEL FOR THE DEFENDANT. Never mind the reason. Will you please read that into the record?

505 Whereupon counsel for the government interposed an objection to the introduction of this testimony, on the ground of incompetency, irrelevancy and immateriality, and on the further ground that it is in reference to the establishment of a communication between Chicago and Danville, which is not upon the line of the Desplaines river, but is in a different direction entirely from the Desplaines river.

Whereupon said passage was read into the record as follows:

("Incidents and Events in the Life of Gurdan Saltonstall Hubbard," by Henry E. Hamilton, p. 136):

> "Mr. Deschamps, having become old and worn by long continued service and the hardships to which he had been exposed, resigned his position as Superintendent of the Illinois River Trading Posts of the American Fur Company, and on his recommendation I was appointed to succeed him. I now determined to carry out a project which I had long urged upon Mr. Deschamps, but without success—that of unloading the boats upon their arrival at Chicago from Mackinaw, and scuttling them in the slough, to prevent their loss by prairie fires, until they were needed to reload with furs for the return voyage.
>
> The goods and furs I proposed to transport to and
> 506 from the Indian hunting grounds on pack horses. In this manner the long, tedious, and difficult passage through Mud Lake, into and down the Desplaines River, would be avoided, and the goods taken directly to the Indians at their hunting grounds, instead of having to be carried in packs on the backs of men. During the year 1822, I had established a direct path or track from Iroquois post to Danville, and I now extended it south from Danville and north to Chicago, thus fully opening 'Hubbard's Trail' from Chicago to a point about one hundred and fifty miles south of Danville. Along this 'trail' I established trading posts forty to fifty miles apart. This 'trail' became the regularly traveled route between Chicago and Danville and points beyond, and was designated on the old maps as 'Hubbard's Trail.' "

PROFESSOR ALVORD (continuing): I did not find this other description of the voyage down the Desplaines by Hubbard in that same volume at pages 104 and 105. At the time I was making my investigation I did not read the volume through.

Whereupon the said passage was read into evidence:

> "The water in the rivers was unusually low this season, and in places the Desplaines could be crossed on foot
> 507 without wetting the sole of the shoe; or, more properly speaking, the skin of the feet, as covering was out of fashion, or had not come in, at that time.
>
> We were compelled to carry our goods and effects from the South Branch to the Desplaines on our backs, leaving our empty boats to pass through the usual channel from

the South Branch to Mud Lake, and through that to the West End, and through the other channel. Having completed the portage to the Desplaines and encountered the usual fatigue in descending that river, without unusual delay or accident we reached Bureau Station, where I had passed my first winter."

As to whether there is anything to indicate what year that was, would say the book occasionally gives monthly references so I would probably be able to work it out. Would judge it was 1820 or 1821. I refer to the trip back of Mr. Hubbard in the extracts appearing at transcript page 272, concluding:

> "In the spring following we returned by the same route; the rivers being full we had no portage to make, passing the ditches and Mud Lake under full head."

508 I do not find another reference to that trip in that volume. This trip up concerning which I have quoted the passage appearing on page 272 of my testimony, was early in March, 1819. On page 59 of Hubbard I find another reference to that trip. That passage has been read in as I understand it.

Counsel for Defendant. No, that has not been read in. I wish you would read it.

(Witness reading):

> "The first night we halted at our old camp ground at the foot of Starved Rock. From this point until we reached Cache Island, our progress was very slow, averaging from six to ten miles per day. The river was high, the current swift, and the rapids strong, and as the boats were heavily laden and a cold storm prevailed, we were glad to camp early and afford the men a much needed rest. Early the morning following we left Cache Island, and as the wind was strong from the southwest, we hoisted our square sails for the first time, and rapidly passed up the Desplaines river, through Mud Lake, to South Branch, regardless of the course of the channel, and soon reached Chicago."

509 There is another passage of Hubbard at page 129 which was not referred to by me on direct.

Whereupon the said passage was read into the record, as follows:

> "Again we were ready to depart on our monotonous lake voyage, coasting as usual the east shore of Lake Michigan, and meeting with no incident worthy of men-

> tion until we reached St. Joseph, where we were detained for several days by head winds. My destination had been decided by Mr. Deschamps to be the Iroquois coun-
> 510 try. We knew that it was but a short distance from a bend of the St. Joseph River to the Kankakee River, and I determined to endeavor to pass my boats and goods overland to the Kankakee, and thus save the remainder of the journey to Chicago, as well as the delays and hardships of the old route through Mud Lake and the Desplaines."

I now come to the portage des Chesnes and des Perches in the extract read by me from volume 16 Wisconsin State Historical Collections, page 372. Having read the extract in which Thwaites said that the latter portage was probably that from the Calumet river to the Despiaines at the present site of South Chicago, I said that Thwaites may be mistaken in this, as from this passage and from other similar passages it would seem that the portage des Perches was either from Mud Lake to the Desplaines or else upon the Desplaines itself. Being asked to exclude anything I may find in this passage which is before us in the record, and to refer to any similar passages from which I conclude that the portage des Perches was not as Thwaites stated, I would say that Charlevoix says in his Journal of the voyage to North America, page 183:

> "I believe I gave you to understand in my last that I had two routes to chuse, in order to gain the country of the Illinois; the first was by returning to Lake Michigan, coasting along the southern coast, and entering the little river of Chicagou. After ascending five or six leagues up this river, there is a passage to that of the Illinois, by means of two carrying places, the longest of which is not above a league and a quarter; but being informed that at this season of the year there is not water sufficient for a canoe, I have taken the other route, which have likewise its inconveniences, and is far from being agreeable, but it is more certain."

He there speaks of two carrying places on the route by the Desplaines. St. Cosme also indicates that under certain conditions there are carrying places and in this particular passage it seems to refer to carrying places on the same route. Those are the reasons for my opinion which I put in as "may be." As to what sources Thwaites relied on

when he said des Perches was probably from the Calumet river to the Desplaines at the present South Chicago, I would say he had in mind the fact that there were two possible portages. I was going to show what his sources of in-
512 formation were. I do not know the exact data that he had when he made that assertion. We have before us more data than he had at that time. As to whether I think in the excerpt which I have read on page 125 of my testimony "Many follow this river to go to le roche, because it is a fine river and they thus avoid the portage des chesnnes and that of desperche," he was speaking of but one portage, namely, from the Chicago river to the Desplaines river, I would reply on, my point was that he was speaking of two portages on the same route. I think it was possible that he referred to a
513 portage from the Chicago to Mud Lake, and from Mud Lake to the Desplaines; or possibly a portage around the rapids on the Desplaines. I knew that there was a portage from the Calumet to the Desplaines but the passage here seems to refer to two portages when one takes the same route. For that I rely on just what appears there, and it is a question of whether my construction is the correct one, or not, that justifies what I have said. I have noted it as a possible interpretation. As to whether I think I went pretty far afield in suggesting that Thwaites might be mistaken, basing my opinion on what I have read into the evidence, I cannot see that this can mean anything other than that there were two portages on the route from Chicago by the Desplaines. I base that on the sentence:

> "Many follow this river to go to le Roche, because it is a fine river and they thus avoid the portage des Chesnes and that of des Perches,"

and the fact that there were, as Charlevoix and St.
514 Cosme point out, two portages. That is the only sentence in this book. When I say that this text refers to the Desplaines river alone, and the portage on the Desplaines river, you have all the basis of my suggestion that Thwaites may have been mistaken. As to whether or not I think that one of my theories that the portage Des Perches may be from Mud Lake to the Desplaines is wholly untenable, will say I made that as a suggestion. St. Cosme speaks very positively of a portage from Mud Lake to the Desplaines. No, I do not think it is wholly untenable. I think it is possible that in using the language,

> "The des Chesnes (the oak trees) portage and the
> portage des Perches (the poles)",

the writer may have intended the one portage from the Chi-
cago river to the Desplaines by way of Mud Lake. As
515 to whether I find anywhere in any book any name given
to that portage of the Chicago-Desplaines except the des
Chesnes portage, I will say on the maps it is always des
Chenes. It is possible that he might in his mind have split
up that little distance between the Chicago river and the Des-
plaines river into the des Chesnes and the des Perches in this
extract that I have read. The Quicapoux and Mascoutins that
are referred to in the passage just read as passing by way of
Chicago were to the west of Lake Michigan. They occupied
the general region to the west of Lake Michigan at that time.
Indians range over a very large space of ground and their
hunting grounds probably extended to the Illinois river.
516 When I am speaking of their location as he does here
"fifty leagues" it refers not to the country over which
they may have ranged in hunting, but to that which they
inhabited and that country was northwest of Chicago, not on
the Illinois river. In passing from the St. Joseph river to
their homes they would not have to go by way of the Des-
plaines. Nor would they in passing from Chicago to
517 their homes. In my testimony I referred to volume 33,
Michigan Pioneer and Historical Collections, page 75,
Cadillac Papers, paragraph 25, referring to Sieurs de Tonty
and de la Forest, in which the words "Chicago" appears.
(Reading):

> "It is also well to inform you, My Lord, that they
> have now a warehouse at Chicagou in the country of the
> Miamis and another at Missillimackinac,"

etc. Again on page 110 of my testimony I read the following:

> "and the Sr. de Liette, a subordinate officer of the troops,
> cousin of the Sieurs de Tonty, commands at the post of
> Chicagou, in the country of the Miamis."

That letter is dated "Colonies, 13th of October, 1697." At
that time the word Chicago was used to designate the general
locality or various localities at the southwestern end of Lake
Michigan. I did not say yesterday that it sometimes referred
to St. Joseph. When I referred to Logan I did not say that
he had confused the two rivers, the St. Joseph and the Chi-
cago, but that does not mean that the name Chicago was ap-
plied to the St. Joseph river.

518 Whereupon the previous cross-examination of the wit-

ness upon that point, appearing at transcript 444, was read to the witness by defendant's counsel. Being asked if I mean now to be understood that the term Chicago applied only to a locality at the west and southwest of Lake Michigan, will say I do not think that there are any passages that, when properly intepreted, prove that the name Chicago was applied to a region around St. Joseph, and that therefore the region which was meant as Chicago was applied to the region at the southwest end of Lake Michigan.

I have used Mr. Blanchard's History of Illinois. He was a historian who has written considerable on the history of 519 the northwest. As a historian Blanchard has the standing of most of the untrained historians. On the whole his is a fair book that would be used by historians with caution. He is a historian who writes largely of particular districts rather than of general history. He comes in the same class with Andreas, and the books is used about as Andreas' is used. I think I have read the passage at page 97 in his Illinois History, referring to the word "Chicago" as follows:

> "This word as a local name did not, as would appear, reach the river at present so named, nor the point where Chicago now is until at least thirty years after the time of Hennepin, as before mentioned, and of the circumstances under which this work was lastly so applied, from dialect it came, or what its intended meaning was, if any, in its changed application no account whatever is transmitted to us."

520 Professor Alvord (continuing): I am familiar with the work by Moses. I would say that Moses had about the same standing as Andreas. I am familiar with the passage at page 77 of the book entitled "Illinois, Historical and Statistical," published by John Moses, as follows:

> "Perhaps the most prolific source of doubt and difficulty in the individual to positively trace and identify any particular route, arises from the confounding of newly discovered streams with those first discovered, the same name being required to do duty for rivers as distinct as the individuality of the explorers who first sailed or paddled a canoe upon them. Thus the name of the Chicago, in its various orthographies, was applied more or less indefinitely to the St. Joseph, the Calumet, the Desplaines, and the Illinois Rivers."

I am familiar with the passage in Hager which is incorporated in Andreas, as follows:

> "Chicago was a name applied to a tract of country at
> 521 the south end of Lake Michigan. It nowhere has been
> found by the writer located by the early writers upon the West side. In these investigations it will be shown that at least three streams bore the name of Chicago in some of its various spellings, viz: the St. Joseph, the Grand Calumet and the Desplaines."

As to whether it has not been the general theory that the term Chicago did apply to a district at the south end of Lake Michigan which included the St. Joseph, I would say many, and I suppose most of the local historians, have held the hypothesis that the word "Chicago" was loosely used and even was applied at times to the St. Joseph river.

Referring to the letters from the Cadillac papers, which refers to Sieurs de Tonty and de la Forest and says "They have now a warehouse at Chicago in the country of the Miamis"; as to whether I can refer to any narrative or letter wherein the term Chicago is used prior to the date of this
particular letter from which it appears that the Chicago
522 intended was the Chicago of the present side, I would say
no, at this time the country of the Miamis,—the Miamis
523 had a village near Chicago. They had a village near Chi-
cago—not necessarily directly on the present site of Chicago. They had a village at the region that was then designated as Chicago. That region extended rather indefinitely around the mouth of the Chicago river. As to how far east and south, it would be impossible to say. The information is not sufficient, but its location is fairly definite in the minds of the men that visited the region. I should think it might extend as far as the Calumet. As to whether or not it is true
and does appear from other references that the post of
524 Chicago in the country of the Miamis, commanded by
Sieur de Liette was on the St. Joseph river and not at Chicago, I would say that is not my memory of the passages. My reason for believing that the warehouse referred to may have been on the present site of Chicago, is that the term Chicago is used, and that it was localized in the southwestern corner of Lake Michigan. At the present moment local historians would not agree with that statement, but they have not considered carefully all of the proofs.

Motion to strike out last part of answer as not responsive.

I know practically what each individual historian of this character who has disagreed with me has considered. I
525 do not think that we have introduced anything that they may not have considered, but they may have misinterpreted what we have introduced here. Speaking of this particular period it would then be a question of the correctness of the interpretation rather than their failure to consider the data. There was a post at this time at St. Joseph which had been erected by La Salle. I do not remember any sort of information at this moment that would prove that it
526 was in existence in 1697. The history of the post is not well known and not well established. As to whether it is not true this period referred to in this letter, LaForest and Tonty had a post on the St. Joseph, we are now talking of the year 1697 and offhand I could not remember any post, if they had one, but I will be glad to refresh my memory on that. In my translation from La Salle, Margry Volume 2, pages 168, 174, on page 84 of the testimony, the quotation is closed as follows:

> "Making use of horses which it is easy to procure there."

In Margry the sentence continues as follows:

> "For there are many of them there among the savages
527 called Pana, Pancassa, Manrhout, Gaetea, Paenimaha, and Pasos, a little distance in toward the west."

The passage taken from page 113 of the Navigator, which appears in my testimony at page 315 of the transcript, appears to be in the body of the book. It refers to batteau navigation on the Chicago river from the portage to the lake, sixteen miles:

> "From this portage to the lake is a batteau navigation of sixteen miles."

That strikes me as probably a little high although I am not familiar enough with the exact measurements here to be
528 an authority in the matter. I have read into the record a number of extracts which show the length of that portage. I should not think that 16 miles was exact, being considerably too high. I have referred to the work of Schoolcraft dated 1834. At page 121 he says:

> "The principal point at which the waters of the Mississippi river communicate, by interlocking rivers and portages, with the lakes, are the following, proceeding from south to north, namely, by the Illinois and Chicago Creek, with lake Michigan."

That was written in 1834. At that time the name Desplaines was definitely applied to the stream now bearing its name.

Q. As distinguished from the Illinois?

A. It was known as a branch of the Illinois. Yes. Schoolcraft knew it and referred to it as the Desplaines river.
529 That was the only reference in that particular excerpt which could have any possible bearing on the question of the travel between the Chicago and Illinois river.

Referring to the passage in Woodruff's history of Will County, which I have read into the record, page 607:

> "At present small steamers owned by Messrs. Small, of Wilmington, and Stephen F. Hanford of Warner's Landing, ply regularly between these points and Chicago, carrying to that city, corn, oats, rye and other products, and bringing back lumber, salt and other heavy articles."

I would say the volume is dated 1878. It reads as if he intended it to apply to the Desplaines river. As to whether I would give great weight to a history in which or a historian by whom such a statement is made, I would say the historian, of course, is obliged to use all sorts of material, and in some of which there are statements which he cannot accept; and we do not classify books as accurate and inaccurate, but we take our materials where we can get them and judge whether that material can be used as testimony. Therefore the historian
530 would not condemn a book because it might have misstatements in it. I should not in any way condemn a volume because it contained statements which did not seem to be correct, but would use other statements therein providing the writer of such source material had the possibility of knowing whereof he speaks. As to matter of the steamers he seems to be speaking of a time within his own knowledge. He uses the word "now," and he says "ply regularly." I do not know whether the statement was true or not. I have studied the history of the Desplaines river at every available source from
531 the earliest times down to 1834. I did not study carefully the history of the Desplaines after that time. I do not know the difference in elevation in figures between Lockport and Joliet, but I know it is considerable. As to whether I have studied the Desplaines enough to know that the statement that steamers plied regularly at any time on the Desplaines river was impossible of being true, I would say I should not expect that they would get over the falls.

Q. If it be true that the man makes a statement of fact as occurring during the time when he is writing, and it is clear that that statement is not true, the matter, of course, being within his personal observation if it exists, would you attach weight to a statement made by him without reference, not referring to any authority, occurring at a time not within his personal knowledge?

532 Mr. Cressy. Objected to on the ground that the witness has in substance answered the purpose of the question; and further objected to as being a hypothetical question which assumes facts to be true which are not proven as stated in the hypothetical question.

A. You will allow me to think over this for a moment because here is a hypothetical question that must be answered correctly.

If a man misstated a fact well within his own knowledge—change that first sentence; if a man made a misstatement which was absolutely false concerning an event well within his own knowledge, his testimony concerning events of exactly similar kind of which, or concerning which his knowledge could not have been based on other particulars and thus made more complete, it would certainly have to be judged by the historian as suspicious.

Mr. Cressy. I move to strike out the answer and the question on the ground it is a hypothetical question in which no foundation is laid for the facts stated in that question, and therefore, it is incompetent, irrelevant and immaterial; and for the further fact that the witness himself has testified that he is unfamiliar with the condition of the river at the time; and that he had made no research during this particular period.

533 A. If the statement that small steamers plied regularly between those points were made, and it referred to the river and was untrue, as to whether I would look with suspicion upon the statement made by the same writer, that as early as 1834 the products of the farm were boated down the Kankakee to the Desplaines and up the latter river to Chicago, I would say that there would enter into this statement another element which the historian would be obliged to consider; namely, the fact that from other writers, it is proved without a question that the Desplaines river was used for the transportation of commerce by canoes and flat boats, and that therefore this was possible. If the statement as to the products of farms being boated down the Kankakee to the Desplaines and up the latter river to Chicago appeared only in this extract, as to whether the statement would be accepted because it appeared here, I

would say this information was within—was possible to have
been obtained from early settlers directly by the historians,
and as it is in accordance with other known facts would be
considered as a possibility by historians. If the statement
concerning the steamboats is absolutely false, and there
534 was no other corroborative testimony of any kind what-
soever, and if it were proved that the Desplaines was not
in fact used by traders for the transportation of any kind of
merchandise, this statement would have to be rejected. As
to whether in my research I have found a single instance
where it appears that farmers upon the Kankakee, the Illinois,
or the Desplaines transported their products to Chicago by
boats by way of the Desplaines river, I would say my remem-
brance is that one of the old settlers on the Desplaines testi-
fied to a somewhat similar occurrence to this in the former
trial. I have forgotten his name.

Q. I wish you would find it out by this afternoon. As against that one, you found also the testimony of a great number of farmers and settlers that in their experience no farm products had ever been boated up the Desplaines river, did you not?

535 A. I believe that there were a great many statements of that kind.

Q. And if any, but one to the contrary?

Mr. Cressy. I object.

Mr. Scott. I am getting his memory; he says he used that as part of his data in forming his judgment.

A. My remembrance now is that there was just this one statement.

Q. It also appears does it not, that prior to 1834, the date he gives here—

Mr. Cressy. You are now making him your witness on this branch of the testimony.

Mr. Scott. I am not making him my witness. If he reads into the record a thing like that, I have the right to cross-examine as to the probability—

Mr. Cressy. I object unless you are making him your witness.

Mr. Scott. Well, I am not making him my witness; that prior to 1834, the products of this district above Ottawa were brought to Chicago by well beaten wagon roads and not by the rivers. Isn't that true?

A. I could not say that that has been proved.

Q. Have you read the record in the other case?

A. Yes.

Q. Your conclusion is that it was not proved that the 536 products of that country were brought to Chicago by wagon?

A. Oh, they were brought—

Mr. Cressy. Exclusively.

Mr. Scott. I will put it exclusively.

A. They were brought without question for the most part by wagon; but it seemed to me that there were indications that occasionally the river was used.

Mr. Scott. I will now ask you to collect and be prepared to give me everything that you refer to when you say that there were indications that the products of that country, meaning now not the early fur periods, but the farming products were brought to Chicago by the Desplaines river; will you do that?

Mr. Cressy. Just a moment before you answer that question; that is objected to as incompetent, irrelevant and immaterial and not proper cross-examination, and if permitted, will only be permitted as the testimony in behalf of the defendant and as the defendant's witness.

537 Professor Alvord (continuing): I will ask the Commissioner to turn back to the question of Schoolcraft's Expedition to the sources of the Mississippi, and read what Mr. Scott asked.

Whereupon the record was re-read to the witness as follows:

> "You have referred to the work of Schoolcraft, page 121, wherein in connection with the Introductory Memoranda, he says: 'The principal points at which the waters of the Mississippi river communicate by interlocking rivers and portages with the lakes, are the following, proceeding from south to north, namely: by the Illinois and Chicago creek with Lake Michigan.'
>
> Q. What date was this written?
>
> A. 1834 is the date of the volume.
>
> Q. At that time was not the name Desplaines definitely applied to the stream now bearing that name?
>
> A. It was.
>
> Q. As distinguished from the Illinois?
>
> A. It was known as a branch of the Illinois, yes.
>
> Q. Was it known as the Desplaines river and not as the Illinois river?
>
> A. Yes.

Q. Did not Schoolcraft know it and refer to it as the Desplaines river?

A. Yes."

538 Q. That is the only reference in that particular excerpt which could have any possible bearing upon the question as to the travel between the Chicago and Illinois rivers, isn't that true?

A. I think it is true.

Professor Alvord (continuing): I should like to change my answer to read that the whole excerpt was not read, and that the next paragraph reads as follows:

> "The routes by the Illinois and by the Wisconsin were first laid open by French enterprise and have been used for canoes and flat bottom boats in their natural state and without any practical improvement which as yet facilitates communication about 160 years. They are so familiar in our geography, have been so much explored and
> 539 are so well appreciated as prominent points for effecting canal and railroad routes that it is only to be desired that early and efficient measurements should be taken for opening them."

I have simply read in an additional passage which I had already read in on my direct. As to whether I find any other references in Schoolcraft as to the means of going from the Illinois to Lake Michigan, I would say that in his volume, "Archives of American Knowledge," I have introduced a passage from that, but no other passage than those was introduced on my direct. I have never read Schoolcraft's book entitled "Travels in the Central Portions of the Mississippi Valley." I know of such a work. My attention may have been called to it before I was prepared to give testimony in this case. I think it was. It was my remembrance that it was on the trial of the state case. I did introduce it on my direct testimony. As to whether I included it in the list of volumes, or articles or writings having reference to this matter which I furnished to the United States, will say I did not introduce it in my direct testimony. As to whether you understood me correctly on my direct that I had referred to all references which seemed to throw light upon the use of the Desplaines river by travelers and for the carrying of merchandise, would say I have introduced all of those passages that seemed sufficient for the information in regard to the use of the Desplaines river by traders, being careful as far as I could to introduce all of those passages that might possibly be inter-

preted as contrary to the use. I remember that you asked me at one stage of the cross-examination whether I knew of any portage from the Illinois river to Lake Michigan, and that you asked especially with reference to Schoolcraft's having been compelled to make such portage. The passage is found
541 on page 318, and the chapter is entitled "Peoria Lake, Indian Village, Traits of the Pottowattomies—Stature—Beards. Reach the Vermillion. Rapids of the Illinois. Rock Fort. Indian Fortifications. Fox River. Scenery. El Dorodo. Petrified Tree. Face of the Country on the Desplaines. Mount Joliet. Cross the Ford of the Des Plaines. Remarks on the Contemplated Canal. Chicago."

It relates to a journey made by Schoolcraft up the Illinois and thence to Lake Michigan. I find a portion on page 318 of that narrative begins "At two o'clock we reached the mouth of the Vermillion."

Then there follows a description of Starved Rock.

Whereupon the said passage was read into the record, as follows:

Page 318.

542 "At two o'clock we reached the mouth of the Vermillion, a fine clear stream entering on the left bank. This point is estimated to be equi-distant between Chicago and Fort Clark, it being ninety miles either way. The rapids commenced half a mile above which connects it with the Illinois, and is greatly diminished in size above the junction with the Vermillion. The water at once becomes shallow, and the rock which is sandstone, presents itself first in broken masses and soon after flooring the bed of the river. When our canoes no longer float without rubbing against the rocks we got out and made a short portage. The empty canoes being still guided along by men walking in the streams on each side. When we again embarked we could, however go but a very short distance. Another portage was necessary. In short we could not longer proceed in our water craft. Nothing but a series of rapids appears above as far as we could explore. The water was scarcely eight or ten inches deep in any place and often less than four. With great exertions we had proceeded two or three miles above the Vermillion and about four o'clock we encamped near a remarkable isolated hill called by the French voyagers 'Le Roche and Rock Fort."

Then follows the description of Starved Rock (page 321):

"Finding the navigation so difficult we determined to

543 relinquish the design of proceeding any farther by water but to await the arrival of horses from Chicago, which had been ordered to meet us near this place on the 10th. A man was sent by land to Reddick's deposit. He returned at a reasonable hour on the following day having found horses in waiting. Having made the necessary arrangements for continuing our voyage by land, we left our canoemen in charge and we mounted our horses at ten o'clock in the morning and resumed the journey in renovated spirits. It was our good fortune to be guided by a Chief of the Pottowattomies of the plains, perfectly acquainted with the route, who had passed it times innumerable, and who knew every choice spot for encamping, and to whom we could safely confide our arrangements."

Page 325.

"At nine o'clock in the morning we came to a part of the country which is contiguous to the Des Plaines, and to the Kankakee, two considerable streams which by their junction form the Illinois. Here our party halted to allow an
544 opportunity of examining an object that had been described to us as being one which was calculated to excite our curiosity. Few persons of observation have probably passed through the river Des Plaines, without devoting some attention to this petrified tree."

Page 332.

"About ten o'clock in the morning we reached the ford of the Des Plaines. We found the river about thirty yards wide and the depth of the water two feet. Between this place and the Vermillion, where we left the Illinois, we have seen the river but seldom, although our route has been for the greater part upon the banks. We have, however, seen its channel at a sufficient number of places to determine that it has several long and formidable rapids which completely intercept navigation at this sultry season.

A remark that has been confirmed by meeting several traders on the plains who had transported their goods and boats in carts from Chicago Creek and who informed us they thought it practicable to enter the Illinois at Mount Joliet. This would lengthen the portage to about thirty miles, but it has been perceived that we experienced diffi-
545 culties far below this last mentioned point. This fact is

sufficient to show the error of those who have supposed that a canal of only eight or ten miles would be necessary to provide navigation between Lake Michigan and the Illinois. A canal of this length would, indeed, perfect the communication which already exists at certain seasons between Chicago Creek and the Desplaines, but must fall far short of the grand purpose."

Page 333.

"We are indebted to a gentleman of correct observation who has explored the route with particular reference to the subject of a canal for the following information respecting those parts of the bed of the Illinois and Desplaines which we have not personally examined. The computed distance from the ford of the Desplaines to its connection with the Kankakee is about 45 miles. Fifteen miles of this distance consists of Lake Joliet and the remainder is almost equally divided between ripples and still waters.

The next observation occurs at the Kickapoo Rapids which have a fell of perhaps six feet in a distance of a mile and a quarter. But this yields in importance to the Rock Fort Rapids which are commonly computed to be 24
546 miles long. The total fall of the river in this distance cannot be less than 35 or 40 feet. The Illinois in passing these rapids spreads over a wide surface and was reduced to a depth of a few inches, hence it has been said by cutting a channel in the rock so as to concentrate the volume a good and sufficient navigation would be afforded for boats of eight or ten tons burden. By a similar labor the whole series of rapids could be improved and at perhaps comparatively small expense. But it may be a question whether this species of succeedaneous cancalling as calculated would answer any available purpose. We believe experience has proved it cheaper in the end to open and entirely new channel than to improve the natural bed of a shallow or rapid stream, of one that is subject to sudden fluctuations from vernal or autumunal freshets. This appears to be the proper construction and applicable to the noble idea of the celebrated Bridley 'That streams were only made to feed canals'—the principle of which, so far as we are capable of judging, appears to be adopted by modern engineers and has been particularly rigidly applied in the existence of the Erie Canal."

PROFESSOR ALVORD (continuing): When I prepared my evidence on the direct in this case, I knew of that passage.
547 That is, I had read that passage. As to whether I know of any prejudice on the part of Schoolcraft similar to that which counsel says I have testified that La Salle had by reason of his antipathy to the Jesuits, or any other prejudice, I will say I know of none. As to whether it is my deliberate opinion as a historian that La Salle carried the material for the construction of his fort at Ft. St. Louis, around by the St. Joseph, and by the portage there, making a journey of several hundred miles further than would have been necessary by the Desplaines because of a prejudice against the Jesuits, I would say that I think that his prejudice against the Jesuits may have been quite an important factor in his actions. His interest was to get furs out of the country by the easiest and most available route. As to whether I think it is a reasonable judgment that he condemned a route which was readily and easily accessible for the getting out of his furs, because of a prejudice against the Jesuits, I would say that I am still of
548 the opinion that his prejudice against the Jesuits and Joliet would prejudice his mind to a considerable extent.

Q. To the extent that he would condemn a route easily available to accomplish the purpose for which he was there?

A. He thought he had another route which was still more available than the one that Joliet and the Jesuits had used.

Whereupon the government asked counsel for the defendant to read the foot note to the passage just read from Schoolcraft, on page 328, which was read as follows:

549 "Thomas Tously, Esq., of Virginia, who visited this locality in the Autumn of 1822, found nearly the same depth of water in the Des Plaines. He writes:—'With your memoir in my hand, we rode up and down the river, till the pursuit was abandoned by the others; while my own anxiety and zeal did not yield until it was discovered. The detached pieces we found covered with twelve to about twenty inches of water, and each of us broke from them as much as we could well bring away.'"

I have referred to an article by John Wentworth, Early Chicago. He was more of a politician than a historian; was interested in the antiquarianism of that region. Off hand I cannot think of any other articles of his that indicate that he was an antiquarian besides this one. I have referred to a volume called "Canada and Louisiana" by Andrew McFarland Davis, from which I read an extract appearing on page 7

thereof. The volume is 5, Narrative and Critical History of America. The extract was written in 1887. The only lan-
550 guage there that I find bearing on the question in this. Referring to routes of travel:

> "Another by way of lake Michigan, the Chicago river, a portage to the Illinois, and down that river."

In 1887 the Illinois and the Desplaines each received its own name definitely, but one always uses the name of the larger river to include its tributaries.

Whereupon counsel directed the attention of the witness to the same sentence and the conclusion of it: "All three being independent of La Salle's route from the foot of Lake Michigan to the Kankakee and Illinois rivers," and asked him how he accounted for the fact that the tributary Kankakee was there expressly used as well as the Illinois.

The Witness. The author may have had in mind all of those early passages where the Desplaines was called the Illinois river. Probably that is the explanation of it.

551 Being asked if this passage is not an example of the fact that one does not always use the name of the larger river to include the tributaries, will say my sentence was badly expressed. I meant by that that one would use frequently the larger river meaning to include thereby the tributaries. Winsor himself in volume 4 of the same series, page 224, note 1, says:

> "The principal portages by which passage was early made by canoes from the basin of the lakes to that of the Mississippi were five in number.
>
> 1. By Green Bay, Lake Winnebago, and the Fox river to the Wisconsin, thence to the Mississippi—the route of Joliet.
>
> 2. By the Chicago river at the southwest of Lake Michigan, to the Illinois, thence to the Mississippi."

The third: "By the St. Joseph river at the southeast corner of Lake Michigan, to the Kankakee, and so to the Illinois." Being asked if Winsor did, if my theory is correct, always use the name of a larger river to include its tributaries, will
552 say I corrected my statement as I saw that I had badly expressly my meaning that one includes the tributaries in the larger river, and since we know by other sources exactly what was the course when one went by the Chicago river to the Illinois, there could be but one meaning to this remark in the foot note; namely, by the Desplaines-Chicago to the Illinois. Mr. Winsor used the term Illinois in its specific applica-

cation to the river known as the Illinois, in portage No. 3. In No. 2 I think there can be no question about it because Mr. Winsor knew of the portage from Chicago to the Desplaines river. There can be no question about that so that he means here by the Chicago river to the Desplaines, which he labeled as the Illinois. The passage on page 44 of the Old Northwest, by Hinsdale, is as follows:

> "Then how unerringly were the French guided to the carrying places between the northern and the southern waters, viz., Green Bay, Fox river, and the Wisconsin; the Chicago river and the Illinois; the St. Joseph and the Kankakee."

553 I think there the Illinois was intended where it says
"Chicago river and the Illinois," to include the Des-
plaines, because it is evident from all the passages where the
portage is particularized that the way of getting from the
Chicago river to the Illinois was by portage to the Desplaines
and down the Desplaines so that these writers have used the
Illinois in a looser sense than they did when they were refer-
ring to the St. Joseph-Kankakee portage, and that these later
critical writers would mean by the Illinois, the Illinois as con-
tinued by the Desplaines, as was frequently the case in the
early writers. The name Chicago became definitely fixed as
applying to the Chicago river as now known somewhere about
the end of the first quarter of the eighteenth century, and was
so used by writers that knew the origin. As to whether when
I have introduced excerpts from books or manuscripts I was
careful to see that the persons who wrote them knew the
region, will say I have tried to indicate in my direct as to the
possibilities of their knowing the region. Taking up the
official report of Governor St. Clair of June 11 of the pro-
ceedings in the Illinois country from March 5th to June
554 11th, 1790, St. Clair did not know the region by his ob-
servation, but from intercourse with traders that he found
at Kaskaskia and Cahokia. It is my opinion without looking
at the volume that he used the words Illinois river and Chi-
cago river incorrectly. Before answering in what respect the
use is incorrect, I would prefer to look at the volume.
555 It is my opinion that he used the word "Chicago" incor-
rectly according to modern usage. Trusting simply to my
recollection as to wherein the use of the word Chicago
556 was incorrect, my rememberance is that he speaks of what
we know as the Desplaines river as the Chicago river.
The passage reads as follows, page 174:

> "The furs in which these goods are generally paid for (deer skins answering better than furs at the New Orleans market), are carried to Canada by the same communication; that is to say, up to the Illinois river, up to the Chicago, and from thence by a small portage into lake Michigan, and long that lake to Michilimackinac; or from the Chicago up the river Au Plain, and by a portage into the same lake."

Governor St. Clair seems to know of a branch of the Illinois river from which there is a portage to Lake Michigan which he labeled "Chicago" and then seems to have mixed up another branch of the Desplaines which he calls "Au Plain," from which there is a portage into the same lake. That which indicates that he had an idea that the Desplaines had branches is "from the Chicago by the river Au Plain."
557 I interpret the passage to mean that he went up the Illinois river and then by the Chicago which from the passage would seem to be the Desplaines river; or else you would go by the Illinois river and by the Chicago, which I take to mean the present Desplaines, and by a branch of the Chicago which he calls Au Plain, to another portage to the Lake Michigan. He first says he coasted along by the Chicago and thence by a small portage to Lake Michigan, or from the Chicago up the river Au Plain and by a portage into the same lake. It is perfectly clear that he is using the word "Chicago" inexactly. As to whether he uses the word "Chicago" exactly in the following passage:

> "In the spring of the year the waters of the Michigan and the Chicago rise each to such a height that the intermediate space is entirely overflowed, and is passable by
> 558 the vessels in use there, which are bark canoes, but which carry a very considerable burden, and are navigated by three or by five persons,"

it seems to me that he has the same river in mind when he uses the Chicago here, namely, the Desplaines. This confusion in the mind of Governor St. Clair as to the word "Chicago" was in 1790. It is true there was no confusion in regard to any of these things except in the minds of some people. I have read from Imlay, a Topographical Description of the Western Territory of North America. There is no evidence that Imlay was ever in Chicago. I remember the passage,
559 but I cannot turn to it readily. I know that Patrick Kennedy's letter or journal of his voyage up the Illinois was in the appendix. I was thinking I remembered another pas-

sage. I know of Kennedy's journey. I did not refer to it on my direct. He did not go all the way up. He was seeking mines on his way. Looking at Kennedy's journal and refreshing my memory I see that he was compelled, according to his account, to abandon his boat at Ottawa by reason of the fact that he could not navigate it any farther. He says:

> "Embarked early, and ascended the Mine River in a small canoe, about six miles, but could get no further as the river was quite dry a little higher up."

The testimony of Kennedy was objected to as not proper cross-examination.

560 Professor Alvord (continuing): He only went a day's journey by boat above the Illinois lake until he came to what is known as the Mine river. He says:

> "Ascended the Mine river in a small canoe about six miles, but could get no further as the river was quite dry a little higher up. * * * As I thought that it was impossible to get to the mine by land at this season of the year, on account of the rocky mountains, weeds, briars, &c. I determined to return to Kaskaskias, and accordingly we went back to our boat, embarked about one o'clock and continued rowing day and night until twelve o'clock the 18th, when we entered the river Mississippi on our way to the Kaskaskias village."

I should not think that the reference in Imlay is based wholly upon Kennedy, but upon other information that he obtained. Imlay is simply giving what is the general knowledge of the west in regard to the passages from Lake Michigan
561 to the Mississippi waters. He says: "From thence there was a portage of only two miles to Chicago, which is also navigable for batteau to its entrance, 16 miles." It is not my knowledge that it was 16 miles from that portage to Lake Michigan. My knowledge is that it was less than that. As to how much less, really I could not say. I should want to measure that. I know it is only a few miles. I introduced the table of distances from St. Louis to Peoria and from thence to different parts of the country which appears at trans. page 220. It is my impression that the distance in that table of distances was 6 miles. In Kennedy's journal he says:

> "The wind continuing fair, about ten o'clock we passed the Vermillion river, 267 miles from the Mississippi. It is thirty yards wide, but so rocky as not to be navigable. At the distance of a mile further, we arrived at the little rocks, which are sixty miles from the works, and two hun-

562 dred and seventy miles from the Mississippi. The water being very low, we could get no further with our boat, and therefore we proceeded by land to the works."

Professor Alvord (continuing): What I understand he refers to by the word "forks," I should say that he proceeded toward the forks of the Kankakee and the Desplaines, but did not reach there in his journey. I should say that he walked. He says here: "The water being very low, we could get no further with our boats, and therefore we proceeded by land to the forks." "We set out about two o'clock on the western side of the river; but the grass and weeds were so high, that we could make but little way." He walked then along the banks of the Illinois river to the forks of the Desplaines and the Kankakee, from about La Salle I should say.

Referring to Mr. Dickson, Volume 12, Wisconsin Historical Collections, page 133, from which was read the following passage:

"The communication between Mackinac and the Mississippi is carried on by two routes, the one by Chicago, the other by the Fox and Ouisconsin rivers. The latter is pre-
563 ferred on account of the shortness of the carrying place."

The length of the carrying place on the Chicago-Desplaines portage differed according to the season. Sometimes there was none; sometimes there were two, sometimes three, sometimes there were seven and occasionally more miles than that. The inference is that Mr. Dickson thought that for easy travel he preferred the Fox and Wisconsin, because of the shortness of the carrying place. He was a person well acquainted with that region.

Q. What do you understand to have been the length of the carrying place on the Fox and Wisconsin which were preferred because of their shortness?

Objected to; incompetent, irrelevant and immaterial.

A. My remembrance is that the Fox and Wisconsin portage was a very short portage, varying also in accordance with the season of the year.

564 It was an easy portage. There was a portage first at the falls of the Fox river. That is stated by Dickson to be 3/4 of a mile.

Whereupon the government objected to interrogating the witness concerning the falls of the Wisconsin-Fox portage, on the ground that it is incompetent, immaterial, irrelevant and not proper cross examination.

Professor Alvord (continuing): Turning to page 399 of the same work, I find he speaks of the business of "portaging boats across the almost two miles of march which here separates the Fox and Wisconsin rivers." Turning to volume 18, pages 333 and 334, I find a journal of Peter Pond, "An Account of the Portage of Wisconstan."

This was also objected to for reasons given above.

565 **Professor Alvord** (continuing): Peter Pond was a very well known fur trader of the Northwest. He was likely to know in regard to the physical conditions in that place.

Whereupon the witness was asked to read from the "Account of the portage of Wisconstan" down to "Hansom Varder (verdure)," as follows:

"An Account of the Portage of Wisconstan the South End of this Caring place is Verey Leavel But in Wet Weather it is Bad On account of the Mud & Water which is two thirds of a Mile and then the Ground Rise is to a Considerabel Hith and Clothed with fine Open Wood & a Hansom Varder (verdure)."

And on the next page:

"After two days hard labor we gits our canoes at the 566 carring place with all our goods and incampt on the bank of the River Wisconstan and gumd our canoes fit to descend that River. About Midday we imbarkt."

Q. Recurring again to the reference in your direct of this morning to the Indians who went from the Chicago over to the St. Joseph, and went that way to avoid the portage of the oaks or the portage of the poles, how long was the portage between the Kankakee and the St. Joseph?

Objected to as incompetent, irrelevant and immaterial.

A. That also varied in accordance with the season of the year, but it was not a long portage. It was longer than the portage referred to in a number of these extracts as from half a league to two leagues. The distance was considerably greater going down to Peoria, for instance, by that route to avoid the Desplaines portage, than if they had gone down the Desplaines. It was a very great ways out of their way.
567 My best judgment as to the distance would be little more
568 than a guess, except that it would be a very considerable number of miles. My attention is directed to a description of the Fox-Wisconsin portage in 12 Wisconsin Historical

Collections, pages 399-400, being an interview with Moses Paquette, by the Editor.

569 Objected to as incompetent, irrelevant and immaterial.

The Witness. I have at times used these various interviews with those citizens, that were made by Mr. Draper, but in working up the evidence do not think I turned to this particular interview. It describes to some extent the character and difficulties of the Fox-Wisconsin portage.

Counsel for Defendant. Kindly read it into the record.

Same objection; not proper cross-examination.

The Witness (reading):

"I was born on the fourth of March, 1828, in the dwelling occupied by my father, Pierre Paquette, near the old agency house, which latter is still standing on the bank of the Fox River at Portage. Besides this dwelling, my father, who was employed by the American Fur Company, had a trading house and barracks for the five or six men whom he then engaged in the business of portaging boats across the almost two miles of marsh which here separate the Fox and Wisconsin rivers. Boats coming up the Fox would be beached at a point near the mouth of the present canal. The beach on the Wisconsin River was very near where at a later period the Carpenter house was built. The intervening Marsh was in these days often a mere quagmire, the transportation of heavily laden Mackinaw boats across it being a task involving much expenditure of time and patience. It took 570 four or five yoke of oxen to haul one of these craft, which would be slung upon a huge reach cut out of a tree and mounted on broad wheels."

Q. I requested you to take under consideration in connection with your testimony with reference to the statement contained in Woodruff's History:

"The products of the farm were boated down the Kankakee to the Desplaines, and up the latter river to Chicago."

In considering that statement in connection with a former statement of the same author, as to steam boats plying to Chicago, you sated that if it were in accordance with other known facts, it would be considered as a possibility by historians. I asked you to collect and be prepared to give me everything you refer to when you say "There were indications that the products of that country, meaning now, not the early fur period, but the farm products were brought to Chicago by the Desplaines river." Have you done so?

Objected to on the ground that it requires the witness to consider depositions which were introduced in the trial of a case in the state courts similar to this case, and asks the witness to give an opinion upon the testimony of witnesses, which decision properly belongs to the court; further objected to on the ground that the testimony is incompetent, irrelevant and immaterial, not proper cross-examination, and that in asking this question counsel for defendant makes the witness his own.

571 Whereupon, after colloquy between counsel, counsel for the government asked the following question:

572 Q. Did you in the preparation of this hearing, examine all of the depositions in this case of old settlers?

Which question was objected to by counsel for the defendant on the ground that it was incompetent, and improper at this time while the cross-examination was going on.

The Witness. I read over the testimony of these early settlers in order to familiarize myself with their statements, but I did not use them in exactly the same way that a historian would if he was making a research upon—that is, I did not use them as direct sources of my information in my researches of the use of the Desplaines river.

Whereupon the witness answered the previous question put to him by counsel for defendant as follows: I have done so.

573 Q. Will you please give the instances which you have collected on that matter?

A. In "Narrative of an Expedition to the Source of St. Peter's River," etc., compiled from the notes of Major Long, Messrs. Say, Keating and Calhoun, by William H. Keating, on page 167, I read the following:

> "The south fork of Chicago river takes its rise, about six miles from the fort, in a swamp which communicates also with the Des Plaines, one of the head branches of the Illinois. Having been informed that this route was frequently traveled by traders, and that it had been used by one of the officers of the garrison, who returned with provisions from St. Louis a few days before our arrival at the fort, we determined to ascend the Chicago river in order to observe this interesting division of waters."

On page 168, I read:

"Although at the time we visited it, there was scarcely water enough to permit our pirogue to pass, we could not doubt, that in the spring of the year the route must be a very eligible one. Lieut. Hopson, who accompanied us to the Des Plaines, told us that he had traveled it with ease, in a boat loaded with lead and flour."

574 In Drown's Record and Historical View of Peoria, etc., by S. DeWitt Drown, on page 84, I read the following:

575 "In 1832, an Indian Agency was opened and established here by the Government, of which Judge Latham was appointed agent, in place of Maj. Graham, of St. Louis, where it had heretofore been kept. John Hamlin, Esq., was a clerk, in and kept a branch of the American Fur Company's store in this place, in one of the buildings in the center of the view between Water-st. and the Lake—the building from the right, just below the Inn sign-post. In this store were kept Indian commodities chiefly. A portion, however, was adapted to the wants of the citizens, who, at this time were few. Mr. Hamlin while thus engaged in this store, exported the first produce to Chicago in 1825, in keal boats as far as the mouth of the Kankakee river, and from there in Durham boats to Chicago, (having built a storehouse at the former place to store in from the keal boats, to be taken by the Durham boats up the Aux Plain river. The principal articles exported were pork, beans, and other provisions for the use of the Fur Company."

Professor Alvord (continuing): The two references, one to Drown's History and the other to Keating, are repetitions of extracts that I read into the evidence on my direct. They are not additional instances. Reading now from the abstract in the case of the People of the State of Illinois *et al.* v. Economy Light & Power Company, page 419, 576 the testimony of Harlow H. Spoor,

"The attention of the witness is directed to the passage read from Woodruff's History in the deposition of Mr. Stevens, about the boat coming up the river with grain and dipping water at Treat's Island.

I remember of hearing of the circumstance. It was the current report of men that I believed to be truthful and had no interest in it other than that,"

the fact to which Mr. Spoor refers is the circumstance that had been strongly impressed upon his mind from that early

date, was that a boat had attempted to come up the river and had tipped over at Treat's Island. That is all said on that particular subject. Mr. Spoor came to Will County in
577 1844 and he said that they hauled their grain by wagon, that he did not think they hauled it by boats because they had no way of hauling it. And he further says that there is no other boat that occurs to him now, except that one circumstance, that ever went up the Desplaines river with any merchandise. In the testimony of William W. Stevens, I find on page 408 of the abstract in the state case the following:

"Q. State in a general way what the current general reputation was on that subject as you received it from them?

Objected to as hearsay.

A. The current reputation was, up to the time of the opening of the Illinois and Michigan Canal, that the river was used more or less for transportation, certain portions of it.

I heard of the lower part of the river being used for carrying lumber. Parties themselves told me they brought lumber up and brought it down to Kankakee and up the Desplaines to the mouth of the Du Page and then up the Du Page to near their place there at Channahon. I was told by John S. and Edward H. Jesup. I knew them well; was often at their house and talked with them. They lived right on the bank of the Du Page, about one hundred rods from its mouth, or practically at its mouth.
578 It was dead water from the mouth up to that point. They came in 1834 as young men with their fathers.

When I was teaching school there it was the fall of the year. I used to go hunting considerable, and Edward used to go with me. He took me over to what was called the cutoff and then I first heard of their bringing lumber from Kankakee or Wilmington down the Kankakee and up the Desplaines, and he showed me where they used to cross over in high water, from the Kankakee over in the Desplaines through the cut-off. That was before the canal or feeder was built. He told me how to get it. There was no mill at that time. Treat's Island mill was not built until several years afterwards, and Wilmington was the only place they could get lumber for use there in Channahon.

He said after they came there with their father, Isaac Jesup, that they built a flat boat and would go up to

Wilmington. When the wind was right they could sail right up the Kankakee to Wilmington with no obstructions at all. They could load their boat and come back and if the water was high they could come through the cut-off into the Desplaines and up the Desplaines to the mouth of the Du Page and up to their little lumber yard they had near their house in Channahon. If the water
579 was low they would go down around and come up the mouth. He spoke of having made the trip repeatedly by both routes; that they did that two or three years from the time they came there in the spring of 1834 to about 1836 or '7. 1837 is the time the mill was built at Treat's Island. There was a grist mill at Wilmington at that time and the only mill anywhere around there.

They would carry grain up to the mill on a boat. They carried it not only for themselves but for others from farms in that vicinity."

Professor Alvord (continuing): As a historian in determining what weight is to be given by historians to statements as to a fact having existed or not having existed, it is usual to determine the credibility or the interest or non-interest of the witness if you have sources for such determination. It is usual to compare his statements with the statements of other persons having equal or better opportunities to know a fact. He makes a statement as to when it was that he came to the country of which he is talking. He says "I have lived in Will County since November, 1855. Was born in Rum-
580 ford, Maine, came to Illinois in November, 1855." He was a lawyer. He was employed by the State in this case against the defendant, the Economy Light & Power Company, as an investigator.

Which line of questions was objected to as not within the knowledge of the witness.

Q. I suppose you have that knowledge just as clearly as you have any other knowledge which appears in the record which you have used, have you not?

A. Yes, sir.

Professor Alvord (continuing): His statement as to the bringing of lumber down the Kankakee and up the Desplaines to the mouth of the Du Page, and that he was told that by John S. and Edward H. Jessup, that occurrence was between twenty and thirty years before the time he came to this county. I cannot turn to any other testimony of persons residing here at the alleged time as to where that lumber came from. I did not have it in mind when I was referring to this man's testimony this morning.

581 Whereupon it is understood and agreed that all this testimony is objected to without the necessity of repeating the objection to every question.

Professor Alvord (continuing): I do not find the statement that it was for the purpose of building a house for the Jessups, but possibly you can turn to it. I looked over the other testimony in order to find if there was anything directly opposed to the testimony of Stevens or anything that was likely to show that he was not a reliable witness.

Q. Did you look through the record to see whether he had made an affidavit that to his personal knowledge prior to his coming to Will County boats carrying merchandise passed up and down the Desplaines river and afterwards retracted that statement?

Mr. Cressy. I object to that.

A. I did not find that.

Q. If you had found that it would have been a matter for consideration, as to the weight to be given to his testimony, would it not?

582 A. Yes.

Mr. Cressy. I object to your putting questions to the witness and assuming a condition of things which the record does not show.

Mr. Scott. The record does show it; whether that record there shows it or not (referring to abstract), the record in the state case shows it and it will be produced.

Mr. Cressy. Then I object until it is produced.

Mr. Scott. Have I got to wait and recall Mr. Alvord from Champaign about that thing?

Mr. Cressy. No, but it is easy enough to find that right there now.

Mr. Scott. No, it is not.

Professor Alvord (continuing): I have not read the testimony of John McCowan since last Friday. I have the passage on page 491. I find that he moved, according to his testimony, into that place in 1835. He testifies that he knew the Jessups well. They did not own any boat with which they made trips to Wilmington in order to get lumber to build a house for
583 the early settlers in Channahon. He also makes the statement that he knew every house that was built there within a radius of four or five miles, and that the stuff came from

Jack's mill, that Jack's mill was about four miles north of the village of Channahon on the Du Page river, and what didn't come from Jack's mill came from Chicago, and that what was brought from Chicago came in ox teams.

Whereupon counsel for the government interposed an objection to these questions, on the ground that the witness is answering a question and counsel is interrupting the witness in answering a question by interjecting cross-examination.

584 PROFESSOR ALVORD (continuing): As to whether I find in Mr. Stevens' testimony any statement that the products of the farm were carried up the Desplaines to Chicago during that early period, I suppose that one might regard whiskey as a farm product, and he mentions bringing whiskey down from the Chicago river. I do not think that whiskey would come under the term "Farm products" as you have used it. I do not recollect that Mr. Stevens speaks of the carrying of farm products up to Chicago. When I say I do not recollect I have before me the abstract of his testimony and have read it. As to whether it is not surprising, if
585 it was a fact that the river in those early days was used to carry farm products to Chicago, that this witness who testifies to statements as to bringing lumber down the Kankakee and up the Desplaines does not mention any such fact or any such reputation, I would say it would be taken into consideration by the historian, but yet the memory of a witness—of a man is very peculiar and some things make an impression upon the mind while other things slip the mind so that it would not necessarily exclude his testimony because he failed to remember that other things were carried than lumber. I understand that when testifying he was being examined by counsel in an effort to prove that the Desplaines
586 river had been used for commercial navigation.

Q. And if that fact had ever been in his knowledge it was a fact of such nature that he would have recalled it at that time, was it not?

Objected to as leading.

It does not seem to me that we could expect a man to remember the things that would happen to him at such an early age, all the things, or that were told to him at such an early age. They naturally would slip his mind. Some things may be remembered and some things may be forgotten, so that I think the memory of the carrying of lumber and whiskey on the Desplaines might be taken into consideration as an indication that the Desplaines river was used after the cessation of the use of it by the fur traders.

COUNSEL FOR DEFENDANT. Move to strike out so much of the answer as begins "the carrying of lumber," etc., and proceeds as to the use of it by the traders, as not responsive.

As to whether the fact of the use of the river for commercial purposes by the inhabitants of a time before the railroads could have been overlooked by any person making a study or having any interest in knowing the history of that river, I would say he might know of the use of the river from other sources of information, but not from his memory or memory of conversations with older inhabitants.

Q. You understood that at that time the State was asking these witnesses what the reputation was as to the use of the river, did you not, and that was not confined to individual instances of use?

587 Objected to on the further ground that the record itself is the best evidence as to what is shown in the record.

PROFESSOR ALVORD (continuing): Mr. Stevens answers as to general reputation, that the river was used more or less for transportation, certain portions of it. I am reading from page 408, just preceding the instances in regard to the lumber that it speaks of, and the whiskey, and he mentions no other use of the river for any other purpose. The next instance is in the testimony of Frances Belz, page 439 of the abstract of record in the state case:

> "Will be 67, February 26, 1908. Born in Joliet and lived there all my life except a few years in Chicago just after the fire. My father came in 1833. I was a soldier in the Union Army in the Civil War. I lived about a half block from the Desplaines River all through boyhood days. I have known of the rafting of lumber and timber down the Desplaines River. I saw that when I 588 was ten or twelve years old. I saw a raft 150 to 200 feet long and 18 to 20 feet wide. It came down the Desplaines River to what they called the towpath bridge; then they separated it, took part of it in the locks and the other logs they broke loose and they rolled over the Jackson street dam. They floated them into the canal and then floated them over the dam again down to the boom for catching the logs they had at Haven's mill. I have seen Mackinaw boats on the Desplaines River. They were a kind of a flat bottom boat and drew about a foot or a

little over a foot of water. They were 15 to 30 feet long, perhaps longer, six to seven feet wide. They were loaded with passengers and loads. I should think there was some merchandise of different kinds, I could not tell you what. I think there was salt came down, but I could not say if it came on the raft or on the boat. There was a man in Chicago used to own pretty much all the salt there and he had it at a very high figure, and the people were poor in them days, and in order to get his pay out of the salt he left a barrel here and a barrel there until he got down to the mouth of the river or further south to Saint Louis. The boat would come down with barrels
589 of salt and distribute it at different points on the way down. I saw the boat with the barrels. I was between 10 and 12 years old."

PROFESSOR ALVORD (continuing): That extract was in indication that the Desplaines river was used for the transportation of goods going down and therefore presumably for going back. As to whether it was a very violent presumption that because a boat can go down a river it can go up, I would say no, considering that we have proofs that the traders used to carry their furs up the river. There is no proof that I have not put in so far. In view of the fact that the raft that he saw was in 1852 or 1853, after the canal was opened, and that he saw it in the upper basin of the canal, as to whether I think that that can properly be cited as an indication of the use of the river, I would reply that he said "It came down the Desplaines river to what they call the towpath bridge; then they separated it, took part of it in the locks and the
591 other logs they broke loose and they rolled over the Jackson street dam." If the canal and the Desplaines were coincident of course they were floating on the Desplaines; and the fact that they floated on the Desplaines after it was improved by locks and became part of the canal at that point would not be an indication that the Desplaines in early days was used for the purpose of carrying products of the farm to Chicago. The passage I had in mind was "I have seen Mackinaw boats on the Desplaines river." I read the cross-examination. I found in that cross-examination "I saw the Mackinaw boats in the upper basin and in the lower basin."
592 He explains what he means in the next passage, "I never saw them except where the river and the canal came together." I am not sure that I know what the upper and lower basin means in this connection. I have not studied the ground

as it now is in connection with my evidence as an expert. I supposed that the upper and lower basin were basins formed by locks and dams at the canal. This testimony of Mr. Belz could not be used to prove that in its primitive state the river was used for transportation. I noted that this witness was born in 1841. He could not have had personal knowledge of the river prior to that date. In a general way only have I familiarized myself with the history of the river to know what dams existed in 1841. I do know there were several dams that obstructed entirely the passage down the river at that date.

Objection: Government has not tendered this witness on this line of examination and does not care to be bound by his testimony.

593 In order to answer the question as to how many dams there were in the river at this time I should have to refresh my memory.

The next instance of using the river for carrying products of the farm to Chicago is on page 462 of the abstract. Eliza P. Jones says:

594 "I have heard my father and others tell the current reputation of the history of the early days on the Desplaines River. I have heard my father say many times that supplies were carried up from the south as far as Lockport or up to here. When father came there was no canal and there was no railroad. I remember particularly of his speaking often that there was some man cornered coarse salt in Chicago, and that all the way they were able to get it was down the river, and it cost them '$10 a barrel."

Professor Alvord (continuing): I do not know whether the court ruled that testimony out entirely in the former case, but I will say that the method of the historian may not be just the same.

The next instance is at page 463 of the abstract in the state case, Samuel W. Jones:

595 (Reading):

"I have heard Mr. Paddock and our neighbor Mr. Collins, in talking over their early times, state that supplies were brought up the river by boat in an early day, that is, prior to the opening of the canal. I have heard them speak of having salt brought down from Chicago. They spoke of some fellow who got a corner on the salt and they had to pay an enormous price, $10 a barrel for the salt; it came down the river, brought down by boat. I heard that from them before I went to live with Mr. Paddock. We talked about those things after my living with him. He settled in 1836 and it was immediately after that, I understand, and he began to tell those things about the river after I became acquainted with him, and after that time made occasionally allusions to it up to the time of his death."

Professor Alvord (continuing): I read the cross-examination of that witness. I noted that he said in speaking of his father and someone else, that they hauled grain to Chicago in wagons.

Which statement was objected to as not showing sufficient of the cross-examination to bring out just what the witness did say.

Mr. Jones says that he has lived in Will County since 1866. Neither this witness nor the witness preceding, Eliza P. Jones, testified to any personal knowledge of the river having been used for the carrying of the products of the farm. Their testimony was confined to reporting what they heard older people talk about.

596 My next instance is on page 157 of the deposition of Geo. W. Reed, as follows:

"During most of the year the Desplaines River was of sufficient depth to permit the navigation of boats for commercial purposes. There might have been a drought or low water and at that stage it would not have been safe but as a general thing, through the biggest part of the year it took such boats as I speak of, up and down without any trouble. I know that to be a fact from my knowledge of the depth of the river, as I observed it at that time. That is the way I looked at it—the depth of the river. I remember one time when I was living at Reed's Grove, before I moved south in Mercer County, that my brother was down at the river and got some wheat from a man who had gotten the wheat wet in transporting it in a boat and was selling it to the farmers. My brother fetched home five or six bushels and we spread it out on sheets and quilts to dry and use it. It was spoiling as it was, and we had to dry it to keep it from spoiling."

And further on:

"I won't swear where it was they were taking it, whether Ottawa or Chicago. They were going to market

I have no means of knowing that. I would think it was about 1842 1843. It must have been pretty near that date. That is the only date I am guessing at, for when I left the country it was about 1850, '51 or '52; it was before that likely that this happened—two or three years, maybe more."

597 The Witness. That wheat episode was the same instance referred to in Woodruff's History and also by Spoor. I read over the cross-examination of that witness. He makes the statement that at the time he was speaking of, prior to 1848, the grain was taken to Chicago by ox team, and that the roads were full of teams going and coming, some from Sangamon County, as far as 120 miles. He says:

598 "When we got to taking it any place we took it to Chicago by ox team,"

referring to the grain. Lower down he makes the statement that he never used the river for transporting grain. The instances which I have introduced are those which seem to me to indicate the use of the river for the transportation of products. I have read the evidence of the early settlers in this case.

Q. You having read the evidence of the early settlers, other than these that you have mentioned, introduced in that case, the evidence of men living and having farms along the river, as to how they came into that country, as to how they got their farm products to market, as to their never knowing of any use of that river for the transportation of farm products; would you now, as a historian, weighing that evidence on 599 one side, and these instances on the other, say that it is historically established that the river was used for the purpose of carrying farm products in the days before the canal was opened?

A. From the evidence that has been introduced, I should say that it was not proved historically that it was the usual custom for the farmers living along the Desplaines river to send their products to Chicago; although there seems to be some indication that occasionally produce was brought—was transported up and down the river; a use that was practiced when the river was easily navigable in the spring, and 600 possibly in the early summer. When I say, "not the custom to send any product to Chicago," I mean by boat.

Q. I want you to name one single instance where the produce of the farms was carried to Chicago by the river and that fact was narrated by any person who claimed to have knowledge of it.

A. We have this incident of the grain that was wet; we have the statement in Drown's Peoria that produce was shipped from there to Chicago, and the statement by Keating that provisions for the Fort were brought up the Desplaines river. This would indicate that the river was used sometimes by others than the fur traders.

(Question read to the witness.)

The WITNESS. Do not consider that I have answered the question. My answer was a little more of an answer to a 601 a general question than that. Aside from the statement in the History of Will County, I do not know of any statement showing that the farmers living along the Desplaines river used that river to transport their products to Chicago, and so far as my knowledge goes that is true of all times from the time farmers began settling in that country. As to the question, "Except in reference to Woodruff's History, you say. What statement is made there from the personal knowledge of the narrator unless it be the statement about steamboats plying up and down the river?" I will say that perhaps I have a wrong remembrance. Yes, he says:

> "As early as 1834 the products of the farm were boated down the Kankakee to the Desplaines and up the latter river to Chicago."

This statement is made on knowledge gained by the 602 writer of Woodruff's History from Older Settlers. I do not understand that the writer of that history was here in 1834. There is no instance to my knowledge of these farmers, or any of these farmers who came into this country, getting into this country by way of the Desplaines river with their families, their goods, or themselves.

Whereupon counsel for the government moved to strike out all the testimony of Professor Alvord concerning what the old settlers may have stated, as being incompetent, irrelevant and immaterial, not proper cross-examination, and on the further ground that the testimony itself is the best evidence.

My attention is directed to Margry, Volume 2, page 164, particularly to my translation from pages 165 to 167, beginning:

"that perhaps might happen in the springtime but not 603 in the summer because there is not water enough in the river as far down as Fort St. Louis, where the navigation of the Illinois begins, at this season and extends as far as the sea."

The French words which I translated "there is not enough water" are "Parce qu'il n'y a point du tout d'eau dans la riviere." I should correct the translation in this way, "because there is no water at all in the river." Turning now to the sentence:

> "What confirms me still further in the thought that the Chicago river could not clean the mouth of the canal, is that when the lake is filled with ice, it blocks up the most navigable mouths at this time, and when ice is formed, there is no longer water in the Chicago river, to hinder blocking this canal with sand."

It seems to me that this is the sense that La Salle had in mind. The words I translate, "and when the ice is formed there is no longer water in the Chicago river," are "les 604 glaces sont fondues." I am hesitating because "fondues" is the word I translate "formed." "Fondues" is the past participle of "fondre," and "fondre" means to melt or dissolve, so that the correct translation really is, "when these blocks of ice are melted there is no more water in the Chicago river." Therefore, instead of implying that the water was not there because of the cold of winter, I think a correct interpretation would be that it implies "in the heat of spring or summer when the ice is melted." I have translated a passage as follows:

> "What confirms me still further in the thought that the Chicago river could not clean the mouth of the canal, is that when the lake is filled with ice it blocks it."

A literal translation of that would be:

> "The lake being filled with blocks of ice these stop the most navigable mouths."

Taking the paragraph on page 168, which I translate:

> "The Chicago river is not navigable for canoes except after this flood."

605 I begin that as though it were the beginning of a sentence. It is not the beginning of a sentence. I refer to "except after this flood," a literal translation of which would be, "unless after some storm."

Q. The prior portion of the sentence the end of which you have translated "The Chicago river is not navigable for canoes except after this flood," beginning back (page 167) reads as follows, does it not?

> "The channel which is between Lake Erie and Lake Huron constitutes a great difficulty there because of its great current which one cannot stem but with a great wind behind, and where there are in places only four feet of water on each side so that crafts capable of resisting the tempests of these lakes can hardly pass there, for whether it be the height of the situation there on the mountains of Niagara, or the neighborhood of other mountains by which they are almost entirely surrounded, the gales are there so furious, so sudden, so long, autumn and spring time, particularly from the northwest and northeast most furious, and from the southeast in spring that one would often be three or four days without being able to carry sail or keep off from land, which is never farther off than fifteen or sixteen leagues, the lakes being hardly thirty in breadth; and then if one should persist in this communication by means of ships as they cannot navigate in the lakes before mid-April because of the ice and often even later, and because never at this season nor afterwards the rest of the year is Checagou navigable even for canoes unless after some storm."

is that a correct translation of the entire sentence?

A. Before answering that I should like to compare it a little more carefully, if I may. (Answer deferred.)

Q. You begin your translation with the last words of the sentence, "The Chicago river is not navigable for canoes after this flood." Are not the words immediately preceding in the same sentence: "Jamais en cette saison n'y ensuite le reste de l'annee," and do they not mean: "Never at this season nor afterwards, the rest of the year," and do they not from the context show that he is speaking of the year after?

(Answer deferred.)

607 The Witness. I will look up and furnish an instance of all the narratives by any person of attempts to use the Desplaines river, which I have found aside from those read in evidence.

608 Referring to the translation submitted in the question at transcript 605, before the noon recess, I call that a correct translation of the entire sentence. The meaning is that before mid-April, or even later, depending on when the ice breaks up, the river is not navigable for the rest of the year, except after some storm.

Q. Explain, Mr. Alvord, how it happened that in translating that sentence, you omitted the early part of it and 610 the qualifying words "Jamais en cette season n'y ensuite le reste de L'annee"?

A. Will you give me my original translation?

(Document handed witness.)

I think my only reason for doing this was to cut the record in regard to this dispute between Joliet and La Salle down to its lowest terms. Being asked:

"You had read the entire sentence in preparing your testimony of which you gave only the tail end, beginning with 'The Chicago river'?" will say I had read the entire passage, yes. As to whether I "thought that to cut it down to its lowest terms it was proper to leave out the qualifying words 'and because never at this season nor afterwards the rest of the year,' which immediately preceded" what I did give, would say as I looked at it it seemed to me that the essence was there, although I see now that the preceding sentence should have been taken in. It was neglect rather than intentional. When I say "preceding sentence" I mean 611 the preceding part of the same sentence. To give the full import and meaning of the portion it would be an error of judgment to begin the translation in the middle of a sentence without indicating that it so begun. I should say that on the whole this way an error of judgment on my part. Coming to a further portion of my translation of the same work, will say first in coming to it, that I find at the bottom of page 168 the French of which this is the equivalent: "Having then joined M. de Tonty, I had some sledges made to haul our canoes, our food, and the rest of our equipage over the ice." It proceeds as follows:

612 "The tenth of January we found traces of those of our people whom M. de Tonty had sent hunting. Someone had been searching for them and had found one; the other two had gone to learn news of me at the river of the Miamis."

From the passage and the succeeding one I should say that he meant by the river of the Miamis, the St. Joseph. The passage continues:

"The 11th they came to join us, and as their comrade was to soon arrive and as we were marching by easy stages, we left them instructions and food to come to join us. Finally everybody being assembled and having found navigation free at the end of the little lake of

Pimiteoui, we continued on our voyage by canoe as far as the river Colbert, distant about 50 to 60 miles, it being difficult to determine precisely the distances, because of the great turns which the river makes."

That seems a correct translation. The lake of the Pimiteoui where he said he found navigation free was Peoria Lake. Coming now to my translations appearing on transcript page 84, from the same narrative, being from 2 Margry, page 174:

613 "All this course throughout all of this country which we have traversed, and as this is the case from the source of the river Illinois, called by the savages Teakiki, I will not repeat it."

A. I should say that the "tout cecy" here refers to the descriptions of the production of the country, and "all this course" would have to be translated "all these things." As translated "all this course" it would have no meaning. As to what when I made this translation and introduced it in the record, I understood that "all this course" referred to will say this translation was made several months ago, and I do not remember how I interpreted the passage. It certainly has no relation to a route of travel as being a course, and 614 as translated, the first clause of the sentence has no grammatical connection with the rest. The writer had been describing the vegetable growth, potatoes, garlic, wild onions and macopins in the text just preceding and having described them, including garlic, he then said, to translate it accurately:

"All this is found throughout the country which we have traversed, and as there are such from the rise of the river of the Illinois, called by the savages Teakiki, I shall not repeat it further."

The meaning being that the several vegetables grow in all the country and are such as are found from the beginning of the Illinois, called by the savages Teakiki, meaning 615 the Kankakee. The Kaskaskia, referred to on page 175 of the same narrative, where he says:

"Two leagues lower down is the former village of the Kaskaskias, Illinois, who have abandoned it, because of the disorder caused three years before by the Iroquois. The news of the fort which I have had built called them there with other nations. It is situated six leagues below (dessous) the said river on the left hand in descending the river, and on the top of a rock which is steep on

> almost all sides, which washes its base in such a way that one can there draw up water from the top of the rock which is about six hundred feet in circumference,"

would be Starved Rock. It would be six leagues above Fort St. Louis.

Referring to the fur trade concerning which Consul
616 says I testified on my direct, that the fur trade became
quite extensive throughout all this region from the decade beginning with 1670. As to whether during that period there was any extensive fur trade at Chicago I would say the height of the fur trade at Chicago was close to the close the eighteenth century and down to the beginning of the nineteenth century. Being asked when the French placed a fur trading post at Chicago in charge of a governmental officer will say that there is no record of an official post at Chicago during the French regime, but there is evidence that Tonty and de la Forest had a post there, which, however, was not probably officially established. That is made evident by the passage from the Cadillac Papers which says: "At Chicago in the country of the Miamis." I think that is the only evidence to the effect that they had a post there. The Cadillac Papers speak frequently of the country of the
617 Miamis. Being asked if I find in the Cadillac Papers
any reference to the country of the Miamis except this that I have just mentioned, that places the country of the Miamis anywhere west of the southeastern part of Lake Michigan, will say there would be no question but what the country of the Miamis as generally spoken of after 1700, was around St. Joseph; but the Indians were constantly moving and changing their quarters, and there seems to be very good evidence that about 1697 and 1698, there was a Miami village at Chicago. St. Cosme is the authority for that statement; there is no other that I know of. That is the reference I made when we were discussing the location of the Guardian Angel Mission. My statement that there was a village of the Miamis at Chicago depends wholly upon the interpretation of St. Cosme's statement.

Taking this large map of Mitchell's of 1755 the four
618 pointed stars appearing thereon indicate a fort, and the
circle and flag represents a settlement. Opposite the word "Miamis" on the St. Joseph river on this map I find a circle with a flag. I also find a circle with a flag opposite the word "Pottowatomies" on this river. I find the indication of a fort on this river called Fort St. Joseph, and also a port-

age here from the St. Joseph river into a little lake, then into another little lake and then down the river Kankakee. I find Indian villages marked among the Mascoutins on the Fox river, but no indication of a fort or other settlement at the river Chicago on that map at Chicago.

On the *De Fer* map, dated 1705, is shown Fort
619 Miamis on what would represent the St. Joseph river,
and across the territory southeast of the lake of the Illinois and between the lake of the Illinois, being Lake Michigan and Lake Huron, is the Miamis nation. It does not show any fort, or post, at Chicago. On the map entitled "Carte Particuliere du Fleuve Saint Louis," etc., the date of which is not given, I find a Fort of Monsieur de La Salle, indicated by a symbol on the St. Joseph river. I do not find any indication of any fort or post at Chicago. On the Denis map of 1779 I find a circle with a flag at the mouth of the St. Joseph river with the word "Miamis" just above it. I find a circle with a flag and a circle with a cross on the south side of the
river, between the St. Joseph and the Kankakee. I do
620 not find any indication of a settlement at Chicago. I do
find north of Chicago at Miskowakimina a settlement marked by a circle. That is about where Milwaukee is today. On the map of Bellin, 1744, I find the village of the Miamis on the St. Joseph river. I do not find any mark of a settlement or village at Chicago. On Popple's map of 1733, appearing in Andreas at page 70, I find there R. Chicagau, Ft. Miamis ou Ouamis. On examining that map I find a river north of that opposite which the word R. Chicagau appears.

Q. Does not that river conform generally to the Chicago river, that northern river?

Objected to as the map has not been introduced in evidence and it is not proper cross-examination.

A. It would be a little difficult to tell exactly what
621 he does mean, although it might be that the upper river
was the Chicago and the lower one corresponded to what is now known as the Calumet, although it is too high up for the Calumet, I should say. The upper river has its main stream running in from Lake Michigan west, and divides into a north and south branch as the Chicago does. That against which the word R. Chicagau appear does not correspond to the Chicago river as it topographically exists. The only Fort Miamis at that time, which Popple was considering, was on the St. Joseph river, and east of this lower river

against which the words R. Chigagau appears, and Ft. Miamis appears, and at the southern extremity of the lake is a settlement marked Chigagau. As to whether it is my opinion that the river there marked R. Chigagau was intended for the St. Joseph river, I would say I think that Popple has made the same mistake that we find in the Board of Trade, the mixing up of the St. Joseph and the Chicago river; that is the two methods of travel, and has tried to locate what he regards as the one passage. Instead of that his information really should have given him two. That is, he has mixed 622 up again the St. Joseph—he has mixed up just as the Board of Trade has mixed up the St. Joseph-Kankakee portage with the Chicago-Desplaines portage. He has called the river on which Fort Miami is situated the Chicago river.

As to what I know about Popple's map and Popple, I would say Popple was an English map maker of the early 18th century. He has access to the Board of Trade reports and was regarded until the middle of the 18th century as the best map maker among the English.

Whereupon counsel for the defendant offered the said map in evidence.

(For copy of above Exhibit see Appendix, ————.)

Professor Alford (continuing): The fort on the St. Joseph was originally built, according to my remembrance, late in 1679, by La Salle. La Salle maintained it as long as he was in the Illinois country, and then its history as I re- 623 member it is somewhat doubtful until you get past 1700, when it appears as a trading post. As a matter of fact it was destroyed the next year after it was built, but it was then rebuilt by La Salle. As to who was his active agent in rebuilding it, I think it was La Forrest. I am not certain. I could not trust my memory as to the exact commander, but it is very probable. Subsequently there was a fort built further up the river called Ft. St. Joseph at the portage. As to the exact date when it was built, I should not want to trust to my memory. My recollection is that about 1683. As 624 to whether Duryante commanded at that fort I am not certain of that. I should like to turn to the passage in order to find out. By 1712, it is my remembrance, there was a regular French military post at this Ft. St. Joseph, and there continued to be down to the time of the Revolution. Aside from the reference to Duryante commanding at Chicago, there is no record of a fort at Chicago down to 1803.

There are several propositions to build a fort there, but no fort was ever built. When the troops arrived in Chicago in 1803 to establish a post, my recollection is that there were about four white people. That was about the time Kinzie came here. I remember Schoolcraft's account of what he found here when he got here in 1820, but I do not remember the number. My recollection is that somewhere in the
625 neighborhood of five or six. I remember Schoolcraft's
statement that he met no white people from Ft. Clark, which was down on the Illinois river to Chicago. As to whether there is any record of a post at Chicago for fur trading unless it be this reference that I speak of to La Forrest and Tonty down to the time when Kinzie was here in the first decade
626 of the 19th century, I would say I do not think there is
any. There was during that period a post on the St. Joseph where the fur trading was carried on. Mr. Kinzie first conducted a fur trading post at Chicago, according to my remembrance, in 1804. My recollection is not definite as to when he actually began the fur business at Chicago, although I probably had it in my memory, but it has escaped me. Mr. Kinzie had several trading centers in the conduct of his fur trade, and in fact he extended his fur trade off in all directions from southern Lake Michigan, and I think he had a post on the Illinois river and on the Kankakee portage, although my recollection is not positive on that. As to whether for a number of years after he first came to Chicago he
627 had any post at Chicago for dealing in furs, my recollec-
tion is that he was dealing in furs when he was in Chicago. I do not know quite what is meant by a post. As to whether I have visited some of these old fur trading posts and found their books and records of the transactions and all the furs that were received and sent out from those posts, I would answer yes. As to whether I find any such thing connected with the early history of Chicago, I would say I have not found any, but they must exist because the United States had a fur trading post here in the first decade of the 19th century. I can fix the year by referring to Andreas in his History of Chicago, on page 87, where he says:

> "Soon after the building of Fort Dearborn, the United States established a Factory at the post, for the purpose of controlling the Indian trade of the vicinity. The Factory system was instituted by the Government from mo-
> 628 tives of both philanthropy and expediency."

Then omitting a paragraph:

> "The name of the United States Factor at Chicago, from the time the system was established until 1810, has not been preserved, unless, as seems probable, Charles Jouett was both Indian Agent and Factor.
>
> "Matthew Irwin was Factor here from 1810 until the destruction of Fort Dearborn, August 15, 1812, and after the departure of Mr. Jouett, in 1811, probably acted also as agent. He was the son of Matthew Irwin, Sr., a native of Ireland."

Professor Alvord (continuing): In the same connection at the bottom of that page I find a statement of all the fur business done by Major Irwin while he was Factor at Chicago. The amount of the business in 1810 was $4,712.57; in 1811, $6,055.89; in 1812, $6,798.06. Shortly after the whole Factory system was abandoned, about 1812.

I did not say that the latter part of the 17th century
629 was one of the principal periods of the fur trade. I said the latter part of the 18th century. During the latter part of the 17th century there is evidence only of a little fur trade at Chicago. I do not know at this moment any other direct passage showing any fur trade at Chicago before 1700, except the passage referring to La Forrest and Tonty. Fort St. Louis was abandoned in 1702. Then there broke out fierce wars among the Indians of that region. The routes by the way of Lake Michigan were practically abandoned, particularly the Fox-Wisconsin one.

630 The passage from Andreas:

> "After the Foxes came the Pottawatomies, who finally almost exterminated the old allies of the French, and the Chicago route, formerly so often traversed by French missionaries and traders on their way to the Illinois and Mississippi, was, as before stated, forsaken, if not forgotten"

hardly represents the facts. Andreas quotes a passage from DuPratz on page 69. DuPratz's statement is:

> "The whole continent north of the river of the Illinois is not much frequented, consequently little known. The great extent of Louisiana makes us presume, that these
> 631 parts will not soon come to our knowledge, unless some curious person should go thither to open mines, where they are said to be in great numbers, and very rich."

This book is the English edition. My remembrance is that the French edition appeared either in 1747 or 1748, or 1757 or 1758. Andreas refers to it as 1757 and that is probably correct. Andreas on page 69 also says:

> "DeSiette joined the Canadian forces at Green Bay the following spring, and a battle ensued at Butte des Morts, Wis., in which the French and their allies, the Illinois, were successful; but hostilities did not cease, and communication between Canada and the Mississippi by way of the Illinois river was as dangerous as before. For nearly half a century the name of Chicago is not mentioned, and there is no record of any visit of a white man to the locality."

As to whether I find anything to the contrary, I would say
that we have the fact that Father Charlevoix expected to go
by way of Chicago in 1721, but the wind kept him back and
so he went by the Kankakee. We have this statement of
DuPratz that it was customary for the French of Canada
632 in going to the Illinois to pass by the Illinois river. The
route by the Illinois river was also a very common route
from Lake Erie across to St. Joseph and then down the Kankakee. There was a portage upon the Miami, as later so called, and the Kankakee, and thence the Maumee. My remembrance is that Charlevoix was kept back by wind or something of that sort from going by way of Chicago. Charlevoix says in referring to the Desplaines river:

> "But as this river is but a brook in this place, I was informed that at that time of the year I should not find water enough for my canoe. Therefore I took the other route which has also its inconveniences and it not near so pleasant, but it is the surest."

But that is not the reference I had in mind. He made but one trip, but he intended to go by way of the Chicago. Charlevoix also said on page 165 of the Journal:

> "September 14, 1721. It is now three days since I
> set out from this place for Chicago, by coasting along the
> south shore of Lake Michigan; but we found the lake so
> 633 stormy that we resolved to return hither and to seek out
> some other way to reach Louisiana."

Referring to Vol. 18 of the Wisconsin Historical Society, page 192, there is a narrative entitled "Memoir of Bougainville, Translated from Pierre Margry, Relations at Memoires Inedits." Bougainville wrote in 1757. He says:

> "The most important (referring to Royal trading posts that there were let out to officers) are the Sea of

the West, the post of la Baye, Saint Joseph, the Nipigons, and Michilimackinac, if they do not give at the latter place many licenses. The post of Detroit has never been given away; there they have the license system."

I find the post of the Miamis at page 175. It is referred to as "Situated on the right bank of the river of that name."
634 In the same volume at page 288 I find a letter from Sir
Guy Carlston to Lord Shelburne, dated March 2, 1768.
At page 29 I find the following:

"Your Lordship will be pleased to observe that the great Inletts, to the Northeast from the Mississippi, are by the Ohio, and from thence up the Ouabach, which leads towards the Sources of the River Miamis and Lake Erie; by the Illinois, that leads to Fort St. Joseph, and Lake Michigan; and the Ouisconsing, that leads to Fox River and Bay des Puans."

The reading of which passage was objected to as not proper cross-examination, and as incompetent, irrelevant and immaterial.

PROFESSOR ALVORD (continuing): Sir Guy Carleton was
635 Governor of Canada. Lord Shelburne had been up to
January, 1768, secretary of state for the Southern Department, which included the American Colonies; but at that time he was relieved of the American affairs and a new secretary of state for American affairs was created. He was then holding the secretary of state for the Southern Department which was confined entirely to European business. This was an official communication of Sir Guy Carleton. Referring to the index of that volume under Forts, there is an index under Forts containing a large number of references to forts.

From an examination of it appears that the person who
636 prepared the index has included posts. Chicago is not
mentioned. I have said that the fur trade of Chicago was most important in the latter part of the 18th century and at the beginning of the 19th century. Confining myself to the latter part of the 18th century, there are no documents which show that there was a trading post at Chicago during the latter part of the 18th century. As to what documents show that fur trade was carried on during that period, I would say that all the documents that I have introduced show that a fur trade passed by Chicago. I think that all the narratives I have introduced in that period show that there was a fur trade passing up the Chicago river and down the Desplaines.

I have no others than those I have introduced. My opin-
637 ion is that I have introduced all the passages referring
to Chicago. I have not introduced all such passages as refer to the fur trade by way of Chicago, whether passing up and down the rivers or not. I confined myself to the fur trade that would be passing up and down the Desplaines river. It is true that during that period pack horses were largely used in the fur trade throughout the west. That is also true of the first quarter of the 19th century. In Turner's statement of the fur trade he says it passes by the Chicago river to the
Illinois. He does not name the Desplaines river. The
638 first extract read from Turner, pages 21-24 of my direct
evidence contains no reference to the Desplaines or Chicago. The only sentence that would have any bearing is the following: "It is a characteristic of the fur trade that it continually recedes from the original center, and so it happened that the English traders before long attempted to work their way into the Illinois country." The English traders did not come by way of the lakes at that period. The English fur traders from Albany pushed up the Mohaw Valley and reached the lakes at a very early period. In fact, we find in mackinac a fort above Lake Erie. Then there is a period when the English fur traders are not to be found in any
great numbers upon the lake. That whole period of the
639 English trade on the lake is still to be worked out in de-
tail. One finds English traders on the Wabash in the second decade of the 18th century. There seem to be indications that English traders were in the old Northwest, all through the first half of the 18th century. The Virginia and the Pennsylvania traders came by way of the mountains and the Ohio. The Albany traders pushed their way up by the way of the Great Lakes. If they came by way of the Great Lakes it is true that they met Lake Erie and came in by way of the Maumee, and did not go by way of Mackinaw or Lake Michigan. Referring to the passage from Turner, where he says "The wars between the French and English and Iroquois must be read in the light of this fact," he is referring to a period
antedating 1761, and during that time the English traders
640 did not come by way of Lake Michigan. My next excerpt
from Turner (trans., 24-28) is where he is describing the routes by which it is possible to reach the Mississippi, the third of which is by the St. Joseph river to the Kankakee, and thence to the Illinois and the Mississippi, and fourth by the Chicago

River to the Illinois, his language being, "By the Chicago River to the Illinois." That is the only reference in the entire excerpt, except one in a sentence beginning as follows: "The Straits of Michillimackinac permitted them to enter Lake Michigan, and from this led the two routes to the Mississippi; one by way of Green Bay and the Fox and Wisconsin, and the other by way of the lakes to the Chicago river." The third excerpt from Turner, beginning on page 25 of the work, does not mention Lake Michigan, the Illinois River, the Chicago River, or the Desplaines River. As to whether Turner's work is very exhaustive, I would say it is a very good monograph on
641 the fur trade in Wisconsin. These are the only references in it that could be pertinent to the matter now under consideration, but Turner is writing of the Wisconsin fur trade and not of Illinois.

Coming now to Chittenden's work, it is an exhaustive study of the fur trade on the Missouri river. The only reference in Chittenden that I have been able to find, which could be any means apply to this question is the following:

> "In the earlier years communication with New York and the other seaboard towns, took place principally by way of the Ohio River or the Great Lakes. In the latter case the route was sometimes by way of the Illinois river to Lake Michigan, thence either by way or across the country to Detroit, thence to Black Rock near Buffalo, and thence overland to New York."

He does not mention Chicago or the Desplaines, but he was not writing the history of the fur trade of Illinois. When
642 I made the statement: "I attempted to find every volume and every unprinted document that illustrated the history of the trade in Northern Illinois," I referred to what we historians call source material, and that is what I meant when I made that statement. I have referred to all the source material that I found illustrating the history of the trade in Northern Illinois. I did not introduce the state histories and things of that sort. I have referred to all source material that I found which referred to the Desplaines-Chicago route. I do not consider Turner source material, nor Chittenden. As to what other testimony of that class I have found which refers to the Chicago-Desplaines route not referred to in my direct, I would say that the state histories all refer to the use of the Chicago-Desplaines river. These I did not introduce;
643 also the histories of Chicago. I have not introduced any passages from Andreas or from Moses. I do not imagine

that these books had any greater source material than what I found, or that they were any more accurate or reliable as a basis for any statement which I made. I should judge that these books which I have not introduced would not be any more accurate or reliable than the source material which I have introduced and that is the reason I did not introduce them and the state histories.

644 The WITNESS. I read into the record on my direct an extract from a memorial signed by the Duc de Choiseul to his agent, in which he speaks of a very small portage which one calls the portage aux Chenes. Choiseul was never in America. Denis to whom I have referred as a map maker well acquainted with the territory, was never in America, but I meant that he has used accounts of travelers and geographical descriptions. I read into the record from 19 Michigan Historical Collections, page 405, a letter from Captain Dederick Brehm to General Frederick Haldimand, dated May 8, 1779, which I said refers to the Chicago-Desplaines
645 portage. It mentions the said portage by name. The only re[illegible]ence which at all apply are the words,

After considering the situation of Major de Paister, I apprehend he runs more risk from Chicagou from the Illinois river."

There is nothing in the letter itself to indicate how the persons from whom danger might be feared would reach Chicago from the Illinois river, but what I have read. I also read another letter from the same volume, page 410, from Captain Dederick Brehm to General Frederick Haldimand, which I said refers to the Chicago-Desplaines portage. In that letter the Desplaines river in terms is not mentioned. All that I base my statement that it refers to the Chicago-Desplaines portage on, is the words, "For which last post I apprehend the most by way of the Illinois and Chicago rivers over Lake Michigan," and the fact that the usuual route to Lake Michigan from Illinois was by the Desplaines and Chicago rivers.

Whether I am justified in saying that it was the usual
646 route depends upon the testimony that has been introduced in this case. I have nothing back in my memory upon which I base that fact other than the testimony which I have given in this case. I have given every instance that I have been able to find where the use of that route was specifiically stated, with the exception of those I noted the other day, viz., secondary sources, and so forth, such as state histories, as to which I said that they would have no greater au-

thority than these original sources that I have already referred to. The next document that I referred to was the manuscript belonging to Mr. Ayer. A letter addressed to Captain Langdale, which contained this:

> "You will send by canoes as much provision as you will find necessary by the River Chicago."

There is no reference to the Desplaines in that letter. I referred to a letter of Patrick Sinclair from 19 Michigan Pioneer and Historical Society Collections, page 529. The
647 only reference in that letter to this region was the following:

> "The Sloop Felicity, with a small vessel, private property, went into Lake Michigan on the 29th ultimo to land a party of Canadians and Indians, who go by the Illinois river to second the attack of a thousand traders."

The Desplaines river and the Chicago river are not mentioned therein. The next is a letter of La Mothe, 10 Michigan Pioneer and Historical Collections, page 569, "Plan of an Expedition against the Illinois," which refers to a plan of a proposed military campaign in which a portage is mentioned in these words:

> "At the entrance of the Chicagous where is a portage of half a league in good weather, in this way we could come without difficulty to the Illinois."

In answer to a question asked me as to what particular use of the Chicago-Desplaines portage these documents have to do with, referring to the last five letters or documents I have mentioned, I said:

> "The use by the military forces of Great Britain in
> 648 making the attack upon the Illinois country in possession of the Americans, and upon St. Louis which was in the possession of Spain."

There is no more record than we have in these documents that the Chicago-Desplaines portage was used by the military forces of Great Britain in the manner I have stated in that answer. As to whether these documents themselves show any actual use of the Chicago-Desplaines portage by the military forces of Great Britain, as I have stated, would say that they seem to indicate that the troops were to be massed—were to be carried by stream from the Chicago to the Illinois.

Q. One of them directs that the troops shall be disembarked at Milwaukee, and go from Milwaukee to the Illinois river, does it not?

A. On page 175 of my direct it says:

> "You will send by canoes as much provision as you will find necessary by the river Chicago."

But just above it it says:

> "You are commanded to put your detachment on land as near Milwaukee as the circumstances will permit and without losing time to get across the land in order to gain the first village of Illinois, which is named Peoria."

649 One of these five letters or documents simply referred to the opinion of Captain Brehm that Major de Paister ran more risk from Chicagou by the Illinois river than Captain Larnould. Another from Captain Brehm to General Haldimand apprehended the most by way of the Illinois and Chicago rivers over Lake Michigan. It did not indicate any actual use by the troops of those rivers. The letter to Langlade in regard to Milwaukee and the river Chicago was prospective, and the letter of Sinclair was prospective. As to whether any one of them indicates the actual use by the military forces of the Chicago-Desplaines rivers, as I have testified, will say the letter that interprets these various

650 pages is the one that appears on page 177 of my direct. The letter of June 4, 1780.

> "The two vessels are returned from Lake Michigan with a part of the Indians & Volunteers on the attack against the Illinois, scarcity of provisions obliges them to return by different routes, some by the Mississippi, some through the country between Lake Michigan and that river, and some as directed by Chicagoe."

Then in the passage from Ayer's manuscripts the order was given to send the provisions by the river Chicago. That interprets the letter in regard to the attack of 1780, that the Chicago portage was used by the British. These letters, some of them, go back more than a year prior to this letter of 1780, but they all refer to the some expedition. Aside from the reference in the letter of June 4, 1780, which says: "Some returned as directed by Chicagoe," there is no reference anywhere that the British military forces made any use of the Chicago and Desplaines route except the passage in the Ayer manuscripts where Langlade is directed to send the provisions, which was prospective. I cannot point anywhere in any record to the fact that they did send the provisions that way.

651 Q. Do you understand that the questions are directed to actual use and not to orders to use? As to actual use

do you find any reference unless it be in the letter which refers to "some as directed by Chicagoe"?

A. That is all. As to whether they came from Chicago by foot or whether they came by river will say these are the passages upon which one would have to base their opinion. The passage to which I refer being the only one that speaks of a fact in the past, and does not indicate in itself whether they came by water or whether they came by land. It is certain that some came by land from the Mississippi to Lake Michigan. It says: "Some through the country between Lake Michigan and that river," the river just referred to being the Mississippi. My remembrance is that Father Henepin was not at the site where Chicago is now situated. He and La Salle came down to the Illinois country by the St. Joseph and the Kankakee. I should have to refresh my memory as to how they got to the St. Joseph. I should not want to answer on my recollection as to whether they came down in
652 small boats on the west shore of Lake Michigan. (After referring to book.) You are correct, he came down the west coast. They came in canoes, putting ashore at night. Being asked if they stopped and remained for several days at the present site of Chicago will say this narrative of La Salle that I have been reading does not mention Chicago. Perhaps Hennepin does in his narrative. I do not know any harbor between Waukegan and Chicago. Referring to Henepin's book, "A New Discovery, Thwaites, Volume 2," referred to in my direct testimony, I have expressed the opinion that Hennepin's work ends on page 619. The addi-
653 tional matter added by the English editor, I think, begins at page 621, and continues throughout the rest of the volume.

Q. You have stated your opinion that a certain passage was really written by La Salle?

A. Did I not say that it was based upon La Salle's narrative?

Q. I have here a question asked you:

> "State the facts upon which you have based your statement that this passage was really written by La Salle and that Hennepin was not with La Salle at the time he made his journey by way of the Divine river, and of his own personal observation knew nothing about that river?"

A. My opinion is that this was originally written by La Salle, but the editors have more or less abbreviated, probably

La Salle's narrative. They have not given it word for 654 word. That is my impression. It seems to me to have been based upon La Salle's narrative and gives it in substance. I do not think the whole of it was written by La Salle. Being asked to point out any part of it that was written by La Salle will say as I have read into the record, I think the passages read show it was an account of La Salle's journey down the Mississippi upon which Hennepin did not accompany him. This passage was written—was based upon La Salle's narrative or a narrative closely associated with La Salle's narrative:

> "There are no Europeans at the mouth of the River Colbert (or Mississippi); and the monster of which M. Joliet gives so dreadful a description, is a fancy of some savages, and had never any original."

I do not mean to be understood that I recognize that as a passage written by La Salle, but as a passage referring 655 to a fact which Hennepin could not have known of his own personal knowledge. As to whether I can refer to any passage in Hennepin that was really written by La Salle that emanates directly from him and is a translation directly from his hand, there is no passage I would say was directly written by La Salle, but I meant in my direct to give the impression that this was based upon a La Salle narrative. As to whether I can refer to any statements of Hennepin's in the later books referring to a matter of geography that is not generally accepted, I would say I should not say his 656 maps are generally accepted. As to whether it is true that a large portion of the maps of that early time, as judged by our present knowledge, are glaringly inaccurate, and maps which I have introduced in evidence here, will say the very early maps are very inaccurate. Speaking of his statement contained in his geographical writing and pointing out geographical statements not generally accepted in volume 1, chapter 37, page 187, Thwaites' Edition of Hennepin, we have his account of his journey from the mouth of the Illinois river down to the mouth of the Mississippi. That is rejected by historians as not being an account of his own observations of the geography of the country. His whole account of the lower Mississippi as he gives it in his own words, contains a great many geographical statements, and nobody would use Father Hennepin as an authority for 657 describing the Mississippi at that time. A great many statements as to matters of geography are made by men who have no personal knowledge of the country they describe.

Father Hennepin was in a position to have learned from La Salle what he discovered. That is part of the description of Louisiana that I am talking about.

Q. Is it not true that Mr. Parkman says of this:

> "To sum up all, the case stands thus: 'The Description of Louisiana' by Father Hennepin, is clearly no plagiarism from La Salle's account, and on the contrary, the so-called La Salle Relation, is an anonymous undated plagiarism from Hennepin's book, and moreover, the description of Louisiana, is sustained by contemporary evidence and the topography of the country, and our knowledge of the language and manners of the Sioux. It shows vanity by its author, but no falsification. So far as it goes it presents Hennepin as truthful and accurate."

Objected to as not proper cross-examination, and further on the ground that it is an attempt to introduce a passage in a book which is not in evidence.

658 A. The fact that Parkman mentions the Sioux would show that he had reference in one part of it at least, to the northern explorations of Hennepin. Being asked if that is Parkman's statement, I will say it is. The work applies to the work "Description of Louisiana," and not to the description of any part, but the name "Louisiana" extends over a very large part of North America. In order to answer surely and correctly as to whether Parkman refers to the word "Description of Louisiana," I should like to see Parkman and refresh my memory, whereupon counsel stated:

"I have only this quotation to read to you."

659 The Witness. Being asked if it is not true that generally speaking the statements of Hennepin as to geography are accepted, will say you would use Hennepin's descriptions of the country that he saw just exactly in the same way that you would use the descriptions by other voyagers. As to whether it would depend upon whether or not they had been tested out and found to be generally accurate or not, I would say one has to, of course, use books in which there are inaccuracies also. As to the relative credit to be given to one or another observer, it would depend upon whether or not, upon being tested out, it was found he was usually accurate. As to whether statements were generally accurate, will say historians disagree so tremendously on Hennepin that it is almost impossible to make a general statement in regard to

him. It seems to me that the opinion today of historians stands in about this way: That Hennepin's earlier volumes, in which he does not try to prove that he discovered the whole course of the Mississippi, is to be taken as an excellent account of an earlier explorer's experiences, but of course when it comes to the later volume where he has based his narrative upon other information which is now extant, the his-
660 torians are not inclined to use it at all. If it should prove true that Father Hennepin was at Chicago, and that the portage here was a place which he had the opportunity of examining, judged by the accuracy of his statements generally on matters with which he was personally familiar, his description of that portage would be given the same rank as that of —it would not be given quite the same rank as that of La Salle and Joliet and Marquette, because of Father Hennepin's later acts showing that he was dishonest in his methods; but it would stand well among historians. I think I have read what Shea has to say about Hennepin on geographical matters.

Q. You know he says: "In the following pages references are made to," and so forth, "In not a single case is Hennepin contradicted or shown to be in error?"

Objected to as not proper cross-examination.

A. I remember the passage. I testified as to the passage on page 626, beginning, "The creek through which we
661 went from the lake of the Illinois," that that passage was taken evidently from La Salle's narrative, of which Father Hennepin had a copy of which he made free use. That passage ends on page 91 of my testimony as I have quoted it, "Besides this difficulty, there is a fall near the village." I do not think any such statement appeared in La Salle's copy in that connection. I suggested that this whole passage was probably based upon La Salle's narrative, or if not La Salle's, certainly somebody closely associated with him. The American editor of this work is Mr. Thwaites. He has annotated it and in his notes he has referred to the work as though written by Hennepin himself. That was evidently his opinion. I do not know if it is still his opinion, or
662 whether he has changed his opinion in that particular.

Whereupon counsel stated that the witness in reply to the question:

"State the facts upon which you base your statement that this passage was really written by La Salle?"
had picked out such passages as those on page 629,

"M. La Salle has seen some savages of three nations, through which Ferdinand Sotto passed with his army," which he (the witness) said must have been taken from an account by La Salle and not by Hennepin, as Father Hennepin was not with La Salle when he made his journey to the mouth of the Mississippi, and asked the witness if it occurred to him that the fact that a writer narrated that somebody else had seen something would indicate that the purported writer was not the writer.

The WITNESS. It is frequently the case that writers use the third person when speaking of themselves, but in this case I intended to give the impression that the narrative was based upon La Salle's narrative and not necessarily a direct quotation. It is my opinion that Hennepin did not write any part of the so-called Hennepin book, and that it is based upon a narrative by La Salle, but of course, it would be possible that it might be a narrative of one of La Salle's friends or companions. I have stated that Hennepin pretended
663 to have made a journey to the Mississippi river and down the Mississippi. As to whether I find indications in this book that Hennepin did not reach it because it represents him as making the journey to the Mississippi, will say it represents a journey made by La Salle and not by Hennepin. I do not think the journey, as related in the appendix to this volume, is even represented as coming from Hennepin at all. Being asked if I have given as a reason for believing that it did not come from Hennepin, the fact that it contains passages stating that he did so and so on a trip down the Mississippi, will say I took that appendix by itself and it contained statements that could only have con-
664 cerned La Salle's journey down and not the pretended journey by Hennepin. There was a pretended journey by Hennepin. Hennepin actually did write a narrative of his pretended journey which he incorporated in this volume to which we refer. I have found references in this particular volume we are now referring to and these particular pages, in which, for instance, this occurs:

> "On page 630: 'The nations through which we have passed have received us very kindly, because of our Calumet of peace, which is a safe conduct and a sufficient recommendation among the savages."

I have indicated that as an evidence that he did not write these particular passages. There is nothing in that particular statement but what might have been written by Hennepin

if these passages pretended to contain a narrative of his pretended journey; but these narratives do not appear in
665 Hennepin's French volume at all, and it is distinctly stated
by the editors that they are additions to Hennepin's narrative, which can be proved by a comparison between the French and the English. As to whether historians, Dr. Thwaites, for instance, also accept this as one of the accounts of that journey, will say that Thwaites may have changed his opinion. I think very likely he will do so when he has heard the historical arguments that have been advanced. I think that must rest wholly upon the arguments that I have given. There is nothing in the passage,

> "The Illinois offered to accompany us to the sea, in hopes, as we told them, that we would supply them that way with European commodities; for the want of knives, axes, &c., makes them very officious,"

666 but what might have been written by a man who was
writing a fabricated journey. I also referred to another matter as indicating that this work was not by Hennepin; the part referring to the death of La Salle, appearing on page 668, a new appendix. Not the one we have been referring to up to this point. As to whether or not the fact that Hennepin was not present at the death of La Salle is a reason for believing that he did not write what appears there in regard to the death of La Salle, will say I quoted this also, I think, in connection with the headings of each of these appendices, to show that they were by other hands. For instance, here is Father Marquette's account of his discovery, and then here is the account of the death of La Salle, which is probably not by Hennepin.

(Question re-read.)

That would not be sufficient evidence of itself. Referring to La Salle's reason for disliking the Chicago-Desplaines
route, I have said among other things that it was his
667 purpose to found posts along the river and carry his
goods down the river to the mouth of the Mississippi and across from the Gulf of Mexico to Europe, and that, therefore, he was not interested in having a deep waterway established by which means the fur trade would be turned northward and to the St. Laurence. It was necessary at the time to bring his supplies and materials necessary for the construction of his fort, and any materials he might need, except the products of the country, for the construction of his boat, to go down the Mississippi by way of the lakes. At that

time he built a fort on Lake Michigan directly opposite Chicago.
A little later he built one to guard the portage between
the St. Joseph and Kankakee. He understood that it was
necessary for him to make use of some route from the bottom
of Lake Michigan down to the point where he had established
his fort on the Illinois. I have not looked up how much
668 further the route by the Kankakee was that if he had gone
by the Desplaines. My remembrance was that I substantially
agreed with you on the subject. You asked me if
it was not as much as 200 miles longer by that route, and I
indicated that I was not prepared to commit myself. Counsel
is not understood to have committed himself to the fact that
it was not more than that. I introduced a report of Ramezay
to the French Minister, dated 1715. It was there stated to
be useful to establish a post at Chicago. There was then no
post at Chicago at that time. What I read from page 171
of Hurlbut's Chicago Antiquities was a draft prepared by
James Logan in December, 1718. I included the words:

> "Thence 150 leagues on the lake to Fort Miami situated at the mouth of the river Chicagou. This fort is not regularly garrisoned."

The citation of that in Hurlbut's Chicago Antiquities
669 adds nothing as to this point at issue that was not already
given by Logan's own statement. I have referred
to Darby's book, "A tour from the City of New York," in
which a reference is made to the Chicago and Illinois river
as affording the most eligible natural connection between the
northern and southern waters of the United States, and which
then describes the River Plein. Darby was on the Ohio,
southern Illinois, and at Detroit, but never at Chicago. The
book in which the extract appears purports to be a tour
from the City of New York to Detroit. As to whether the
sentence in Darby's narrative, "The Plein also flows with a
very slight current," would indicate to me that Mr.
670 Darby was very accurately informed as to the character
of the Plein or Desplaines, will say there are parts of
the Desplaines as I understand, that have a very slight current,
and other parts that are very rapid. Do not remember the
number of miles you go below Chicago before you strike the
Lockport descent. As a rule the early writers referred to
it rather as a torrent than as a river. La Salle speaks of it
as having a current greater than that of the Rhone. Warden's,
"A Statistical, Political and Historical Account of the
United States of North America," in which there is a de-

scription at pages 119-120 of the Illinois river, among other things says:

"The Illinois river, formerly the Theakiki, is formed by the union of three considerable streams, the Des Planes, (Plein), De Page, and the Kankakee."

The DePage comes into the Desplaines above the Illi-
671 nois. It is described as rising a few miles west of the Desplaines and has a nearly parallel course. That is not an accurate description.

Objected to as incompetent, irrelevant and immaterial, and not proper cross-examination.

The Witness. I read a passage from David McCulloch, Early days of Peoria and Chicago, referring to the use of keel boats or reported use of keel boats by John Hamlin in carrying pork to the Desplaines and thence by Mackinaw boats to Chicago. That reference seems to be entirely based on Drown's Peoria, and adds nothing to the authority of that work, except insofar as the local historian has used it. McCulloch says:

"Mackinaw boats to Chicago."

Drown says: "Durham boats." I think there were some other references in McCulloch's book to transportation to Chicago between Chicago and Peoria. It is my remem-
672 brance that those references were to transportation overland.

Q. He referred to the hauling of three barrels and a half barrels of whiskey from Chicago to Peoria (Bottom of page 115 and 116) prior to 1829, did he not?

A. He did.

The Witness. This work states how private travel was carried on. I knew that when I was examining this record before I testified. I did not read that into evidence because I was simply testifying in regard to the use of the Desplaines river by fur traders in boats.

Q. You have not, then, referred to journeys made be-
673 tween the Illinois river and Chicago otherwise than in boats to which you have found references, is that correct?

Objected to as incompetent, irrelevant and immaterial.

A. I think with the exception of La Hontan and Schoolcraft's, the only ones that I noted in source material, were introduced. That is, all those that fell within the period I was investigating, were introduced by me. As showing the land passage I recall introducing La Salle. As to whether I introduced it as a land passage in my direct, will say I knew it was made by foot and think the translation shows so. That is my remembrance of it.

Q. Do you not consider as a historian, that if you found many references to passages overland by foot, by horses, by wagons, in a physical or geographical situation such as we have presented here, and comparatively few instances of journeys by water, that those accounts of overland journeys would have a bearing in arriving at a conclusion as to the usefulness of the river as a waterway?

Objected to as incompetent, irrelevant and immaterial.

674 A. If from the period from 1673, when the first journey was made, down to 1834, at the time the fur trade closed, there should appear many narratives of journeys by foot, it would to my mind prove that there were times when the Desplaines river was in such a condition that it—that the traders or travelers preferred to make it by foot or horseback rather than by boat; but it would not in any way disprove the fact that the traders were accustomed to use the Desplaines river at other times than at very low water.

675 If it would appear after 1800 that private travel into and out of that country was performed on foot and on horseback until stage coaches were introduced, and that private travel was not on boats on the Desplaines river, I would think that would indicate that there were several ways of getting to Chicago besides the waterway. Of course the travel in very dry weather over the prairies of Illinois was comparatively simple on horse and by foot. Taking the hypothesis suggested by counsel that private travel was continued throughout the year overland, and not by the river, as to what that would indicate as to the character of the waterway I would say it would not affect the other testimony which has been introduced in this case, showing that traders
676 had used the river. Assuming that the white settlers and farmers, when they came into the country, came on foot or in wagons and went out on foot or in wagons or on horseback, and that private travel was generally conducted that way, it would not prove or disprove anything as to the utility of the river as a waterway. It was very common for travelers to go along the Ohio river both on foot and by caravan rather than to float down the Ohio. It was not always true that in the days before the railroad and stagecoach, wherever a river was capable of being navigated by canoes or flat bottomed boats, that the river was always chosen as a route of

travel, because people frequently came down the Ohio
677 on horseback and by caravan, and people also frequently
came down the Ohio by boat. When rivers were capable of being navigated, boats were used upon them.

If it be true that the private travel from 1800 to 1834 was always overland, and between points between which the Desplaines would have offered a waterway, if navigable, in the light of the other testimony that does not indicate to me that the Desplaines was not a waterway capable of bearing boats fit for travel.

(Question read.)

The Witness. I do not think that would prove it when I think of the other testimony which has been introduced to show that the traders regularly used it. As to whether I think that willingly and voluntarily travelers would go over
the prairies and through the forest on foot rather than
678 float up and down the Desplaines river in boats if the
Desplaines were capable of bearing boats, would say there would be a good many elements to be taken into that question that are not in the hypothetical question.

Q. Isn't it evident from the fact that people who had to pass between these points generally passed on foot or on horseback, that the Desplaines river did not afford facilities for making that passage by water?

A. You have got to put into the hypothetical question more than that because there are a great many evidences that traders were continually going up and down and it is more than probable that they carried passengers.

Motion to strike out as not responsive.

679 The Witness. If it were proved that private travel
was always conducted on foot or on horseback, it would show that the Desplaines was not in a condition always to be used, and that there were not established regular lines of boats passing up and down for the convenience of travelers; that travelers found that the prairies offered good facilities for their emigrant vans, and their horses, and even for foot travel. I have read the testimony of the old settlers in the state case. I remember some of the difficulties they described in that passage over the prairies. Do not recall a description of taking forty-eight hours to go three miles with horses. If it is there I probably read it. I notice that early maps show wagon roads from Chicago to Ottawa and none from

there down. When they got to waters that were naviga-
680 ble they abandoned the wagons, because there were boats regularly plying there for the convenience of travelers, and where boats could regularly ply, boats did regularly ply for the convenience of travelers. And in those early days where streams were navigable any considerable portion of the year, boats plied during those portions of the year, and tied up the rest of the year.

Whereupon, over the objection of counsel for the government, counsel for defendant requested the witness to read into the record the following passage from page 116 of McCulloch:

> "Private travel was performed on foot or on horseback, the missionaries, judges, and lawyers generally adopting the latter method. At what time stagecoaches were introduced between Peoria and Chicago does not appear to be definitely known. Steamboats were introduced on the Illinois river about the year 1832, and soon afterwards attracted the travel from the lake region to the Mississippi to that route and rendered necessary some efficient means of transportation by land."

681 It was necessary that there should be some efficient means of transportation by land down to the head of steamboat navigation, because the Desplaines at all seasons of the year was not capable of being used, which appears by my direct testimony. It is not a matter of fact that the Desplaines river was really never navigable except immediately after some storm in the spring or spring floods. It seems to have lasted longer than that from the evidence. I cannot cite any instances that have come down from my knowledge of private travel up and down the Desplaines river after 1800 excepting from the Gurdon S. Hubbard narrative and these references to testimony in the state case which I have already referred to. I know of no narrative or story referring to early Illinois which contains any reference to any lawyer or business man or judge or clergyman making any trip from Chicago to any place along the Desplaines or
682 Illinois by way of the Desplaines river. In the early history of this state and in the history of men of those times there is frequently to be found accounts of how they went from one place to another, and the methods and routes of travel that were followed. I don't remember any such reference to anybody going by the Desplaines.

683 Referring to the statement in reference to Lahontan's book that he had made a portage from the Illinois river

to Lake Michigan, I stated on cross-examination that Lahontan never made that trip, according to the best authorities, and that he was another of the Dr. Cook variety. In saying this I referred to the particular trip as being of the Dr.
684 Cook variety, not to the volume generally. As to the rank given Lahontan by historians generally, as to his observation concerning matters with which he had personal familiarity, I would say that historians vary very greatly, depending largely upon whether the historian thinks that trip, which was not taken and which he says he did take, is significant of his veracity or not. Of course, in geographical matters he has rather a unique position. He is the one that placed the river Long leading into the Mississippi by which he said it was possible to go to the Pacific Ocean. Such a river of course did not exist and never has existed. For these reasons some historians have regarded his book as untrustworthy, but I should say that the present viewpoint is that for matters that were well within his knowledge, known to him by personal observation, he is of value as are travelers of a similar kind. I should say that he was classed as an authority concerning the things that he saw, with Father
685 Charlevoix, Father Hennepin and men of that class. I have stated that among some historians he is discredited because of the narrative that he gave of his visit to the river Long, and as to one historian who discredits his work generally on that ground, I should have to refresh my memory generally as to how each historian regards Lahontan, and my remembrance is that there has been a contest and several have rejected him.

686 As to historians generally crediting him with being accurate and reliable in the statement of things which he has seen himself, or in his narrative of those things which had become well known at the time he wrote by reason of the account given by others, I should not say that historians regarded him as any more accurate than the men I have referred to. I should say that he had the same standing in those matters as La Salle or Father Charlevoix or Father Hennepin.
There are inaccuracies in all the accounts of travelers, of
687 course. I would be perfectly willing to put Joliet and Marquette in the same class. The river Long referred to upon Lahontan's map is situated nearly under the same latitude as the river St. Peter. In order to say whether when Lahontan talks of known countries and rivers explored like the Wisconsin, the Wabash, the Illinois and the Mississippi,

the statement he makes corresponds with the facts as known or not, I should have to read over Lahontan's statements in regard to this in order to refresh my memory as to exactly what he says.

Whereupon counsel for the defendant called the attention of the witness to and requested him to read the English equivalent of page 146 of the article by Roy, which was objected to as irrelevant, incompetent and immaterial, and not proper cross-examination.

Whereupon the witness read the following paragraph from Lahontan:

"An astonishing thing when Lahontan speaks of known countries, of rivers, already explored, like the Wisconsin, the Wabash, Illinois, the Mississippi, the reader can find himself. Let him enter on the territory of this famous river Long, all become mysterious."

The word I have translated "astonishing" is an exclamation; thing astonishing, thing amazing, anything of that sort. The author has been discussing Lahontan's good luck in finding the river as found under the latitude which he had indicated. He proceeds: "The extraordinary thing is in checking up his claim to having discovered that river," in substance, that you can check him by well known facts but he gets into mysteries when he talks about the river Long.

Whereupon, over the objection of counsel for the government, at the request of counsel for the defendant, the
689 witness read the following paragraph from Roy (p. 147):

689 "Aside from these improbabilities which strike the eye, it is necessary to avow that Lahontan has known how to weave cleverly the web of his imaginary voyage. He has taken care, for example, each time that he treats of a corner of the country that is known in this immense region of the Mississippi, to say only correctly what was the fact, what he has been able to learn from other voyageurs or what he has been able to collect in Hennepin, Douay, Membra, or Thevenot."

690 What I have translated, "He would have been able to learn," is a perfect tense; "what he has been able," would be absolutely literal; "what he could have learned," is also a possible interpretation. It is hardly probable that he could have learned from some of these men, because he did not come in contact with them. It is true that Lahontan is frequently cited by Parkman as an authority for statements made in Parkman's various works. Without looking

at the passage, my remembrance is that Parkman says something about Lahontan's account of what he saw in the colonies as being in accord with the best contemporary evidence. There has been a contest among historians as to whether Lahontan did or did not make the journey to the river Long. It is true that Lahontan was, just previous to the time that
691 he claims to have made this voyage, at Mackinaw, and unable, not permitted to return to Canada, that is to Montreal or Quebec. As to whether he spent the winter somewhere on a journey from Mackinac, I should have to refresh my memory. He might have made a journey or stayed at Mackinaw. My remembrance is it is rather doubtful as to where he was at that particular time. During the months that he claimed to have been on this voyage or expedition, as to whether there is any record that he stayed at Mackinaw during those months, I can answer that question by referring to Mr. Roy's article. (After referring to the book.) There seems to be no record that he was at Mackinaw or that he was at any other place. Roy seems to draw the conclusion that he went to make a trade in some place.

Whereupon the witness was asked to read what Roy states on that particular point. Whereupon the witness read from page 141 as follows:

692 "This is certain, Lahontan never received any official mission to make this expedition or this voyage. When he set out from Mackinaw with his soldiers who had just received their pay, he went to trade somewhere."

I should say that it was a matter of dispute as to whether he went into the Fox-Wisconsin country when he left Mackinaw. I should say that modern historians were doubtful in regard to the whole of the journey that he took up the Mississippi river to what he called the Long river. He did not at any time immediately after the purported journey make any mention of it whatsoever until he published his book, and historians are rather inclined to think that he journey was never made because of the attempt to prove that he discovered a river that led to the far west, and had thus found a possible means of reaching the Pacific Ocean.

I have in various instances cited references to the Chicago portage as indicating the Chicago-Desplaines river portage, and in a number of instances the Desplaines has not been mentioned nor has there been any detail of the exact portage made.

693 As to whether it is my understanding that when the Chicago portage was mentioned by historians it means the portage from Chicago to the Desplaines river by way of Mud Lake, I would say that that inference is, of course, the most probable one, because we have plenty of statements as to what the general portage was that was used by traders when they sought the southwestern end of Lake Michigan; so that when they speak in a general way that they went by way of the Chicago portage, the inference is that they followed the usual route that was followed by traders, which was by the Chicago river, across Mud Lake and down the Desplaines. I had cited every specific instance of that use I had been able to find up to the time of the cross-examination. I have since found a few others.

Q. It is true, is it not, that Thwaites, in the introduction of his work, "Lahontan's Voyages of North America" refers to the Chicago portage in the following language:

> "Continuing their trip (that is the trip of Lahontan) as far down stream as the mouth of the Ohio, they returned to Illinois river by means of which and the Chicago portage they entered Lake Michigan, finally arriving at Mackinaw the 22nd of May."

What does he refer to by the terms "Chicago portage" in that sentence?

694 The Witness. I should have to read the introduction in order to refresh my memory.

Mr. Scott. Read the introduction in connection with the statement by Lahontan on pages 206 and 207 of this first volume, and it may aid you in determining what Thwaits referred to by the term "Chicago portage."

A. Dr. Thwaites in writing the introduction, has in mind probably a very much shorter portage than Lahontan mentions in his direct narrative, as in a foot note on page 207 he says:

> "The portage at Chicago was first made known to the French by the voyage of Joliet and Marquette, who returned to Mackinaw by this route."

Lahontan says as a matter of fact on this purported journey that he took, that he was obliged to engage four hundred men to transport his baggage in order to lessen the drudgery of a great land carriage of twelve great leagues. That would mean that he was obliged to carry his baggage from a place that he called Fort Creve Couer, which was not in existence at the time he made the journey, to Chicago.

Q. It had recently been destroyed?

A. No.

Tonti was at St. Louis at that time, not at Fort Creve Couer.

Q. You have taken occasion to interpolate in your 695 answer the fact that he referred to a place that had been destroyed. The fact to which the question was directed, was that was the portage to which Thwaites referred when he said: "Continuing their trip as far down stream as the mouth of the Ohio they returned to Illinois river by means of which and the Chicago portage they entered Lake Michigan." He must have referred to the same thing that La hontan referred to, did he not?

A. Not necessarily. He was writing with a knowledge of what the Chicago portage was.

Q. Did he mean then to say that Lahontan returned by the Desplaines river and then across the short portage when Lahontan himself says that he went by a land carriage of twelve great leagues?

A. It would be rather difficult to state exactly what Dr. Thwaites did have in his mind when he wrote that. I don't know of anyone ever calling the portage, Chicago portage, from around by Peoria to Chicago, and I am sure that Dr. Thwaites never would have done such a thing as that.

As a matter of fact he does not say that he came from Peoria; he says that he came twelve great leagues by land carriage. The inference is that he was at Fort Creve Couer and there engaged four hundred Indians at that place and made the portage. That is the way I interpret it. He says:

696 "I set out from the Illinois river on the 10th of April, and by the help of a west-southwest wind, arrived in six days at the fort of Crevecouer."

That is what I referred to as Peoria.

I don't think I have jumped to a hasty conclusion on that. He says:

"Where I met with Mr. de Tonti, who received me with all imaginable civility and is justly respected and honored by the Iroquese. I stayed three days in this fort where there were thirty Coureurs de Bois that traded with the Illinese. The 20th I arrived at the village of the Illinese."

You are correct. I did not have the passage before me as

I answered the question. He did not go up to the village of the Illinois, which is a few leagues above Fort Crevecouer.

As to whether it is conceivable to my mind that Thwaites, when he said that LaHontan returned by the Chicago portage meant the Desplaines river and the short land portage 697 by Mud Lake, when he had before him LaHontan's narrative that he made it by twelve great leagues of land carriage, will say he, of course, refers to this particular pretended journey of LaHontan's and says that he went by the Chicago portage. That is about all I can say. He certainly did not mean to imply that the Chicago portage was twelve great leagues. That is my conclusion from other evidence than is contained in his own statement, and the specific thing that he based his statement on and referred to.

Re-direct Examination.

The volume which is now shown me, which is Volume 18 of the Wisconsin Historical Collection, is one of the volumes already identified in evidence. I find in it an article re-698 ferring to the use of the Chicago-Desplaines river route. It is an article printed from a manuscript in the Massachusetts Historical Society and is "Information furnished probably by John Pattin."

John Pattin was a fur trader from Pennsylvania who penetrated into the old northwest in pursuit of furs. I am speaking and testifying from memory. There is nothing in the book that I would draw my information from at all. John Pattin was taken prisoner by the French and carried to Quebec, where he remained for some time and then was finally carried to France and released upon the requisition of the British Minister. The title of the article is "Routes to the Upper Country." I find in there a reference to the Chicago-Desplaines route.

Whereupon the said extract was read into the record as follows:

699 Page 146 of the Wisconsin Historical Collections, Volume 18:

"From Missilimackinac they have two routes to Mississippi, the first is from Missilmackinac ninety leagues on the Lake Illinois to the Lake de Puans, thence to the River d' Puans eighty league. Thence up the same to a portage of four miles over to the River Ouisconsing, thence forty leagues to the River Mississippi. From the mouth of Ouisconsing River to the mouth of the River Mississippi in the Bay of Mexico is computed 550 leagues. The other is from Missilimackinac to the Lake Illinois four leagues, thence one hundred and fifth leagues on the lake to the River Chicagou, up the River Chicagou they sail but three leagues to a portage of a quarter of a league, then they enter a small lake of a mile, and have another small portage to the River Illinois, thence down the same one hundred and thirty leagues to Mississippi."

700 *Cross-Examination by Mr. Scott.*

I know nothing more about the source of this paper than the bracketed headnote: "Information furnished probably by John Pattin. M.S. in Massachusetts Historical Society; pressmark, 61L93." That is furnished by Dr. Thwaites. I don't know on what he bases his statement that the information was probably furnished by John Pattin. There is no question but what John Pattin never used the portage, because he did not reach as far westward in his trading expeditions as the lower Lake Michigan. In a footnote 85, page 144, it says: "Many descriptions exist of this voyage. Among
701 the best are those of Lahontan in 1688." That is the same Lahontan we are speaking about. This note is by Dr. Thwaites. There may be exaggerations and inaccuracies in this little paper. The article is between page 143 and 149, of which a considerable portion is notes of the editor. I have read it through and probably the notes, I don't remember.

702 In reference to exaggerations and inaccuracies, on page 144 the writer says that there are but only three or four soldiers with a subaltern at Mackinaw. The footnote calls attention to the fact that there is always a commandant at Mackinaw with the rank of captain, save for a brief period when it was in charge of a lieutenant. In the passage read into the record the writer speaks of the distances from Mackinaw to Green Bay. The editor says the writer intends to say it was 90 leagues to the entrance of Green Bay and 80 leagues up its length to the mouth of the River d'Puans (Fox river). This is an exaggeration of the distance from Mackinaw, which is in reality about 240 miles. The distances appear to be exaggerated throughout the entire memoir.

Re-direct Examination.

Referring to this writing just testified about as well as to some other early writings and accounts of the early 703 traders to which I have referred, and assuming that there are inaccuracies in distance, as to whether historians would reject the account entirely or would check it up with other accounts, with a view to determining the reliability of the statements made in it, I would say they would check it up naturally with other accounts. You should not expect in the period of discovery accurate statements as to distance. There is from beginning to end a growing accuracy of the statements. The early writers, of course, are more general; their estimates are based upon past journeys, but as the trade becomes more and more established, there are geographers that are interested in the passage, and by the end of the eighteenth century the accuracy on the whole is very great; and in the beginning of the nineteenth century the accuracy is still greater and the distances are well known from government reports made by competent surveyors.

The witness being asked in reference to a French translation concerning which he had been interrogated on cross-examination, to tell how much work he had done in translating French and English; which question was 704 objected to on the ground that witness' experience and qualifications were inquired of on his direct examination, answered:

Most of my work for the Illinois Historical Library has been with French manuscripts which I have published in the French translation. They are contained in two volumes, one of a little over 800 pages and the other a little over 600 pages, the first volume containing approximately 300 pages of French and 300 pages of translation, the rest being English documents or editorial notes, and so forth. The last volume containing less French and less translation because the body of the English transcripts that were published was larger. These translations have been noticed in almost all reviews written by competent reviewers, and they have been very kind in their notices of them.

I made these translations last June under very hurried circumstances. When the authority from the United States District Attorney reached me to go ahead with my work, there were about three weeks left before the case was sup-

posed to be called. It was, if I remember rightly, to be
705 called on the 8th of June. At that time it seems to me
that the controversy between La Salle and Joliet was of
minor importance, because the men were discussing a hypothesis
concerning the use of the Chicago-Desplaines river at
a time when the fur trade had not been established in the
Illinois country.

Objection not responsive, incompetent, irrelevant and material.

It, therefore, seemed of far greater importance to find these
references concerning the use of the Desplaines river made by
men who lived at a time when the fur trade was so well established.
Under a great strain and great hurry I sought
out such references as I could find, going through a large
number of books. The time grew short before the 8th of
706 June; I had given time to the investigation of La Salle
and Joliet, as much time as the importance of the subject
warranted, but even then the time for making translations
was extremely limited and I was obliged to use my stenographer
and to dictate the translations. This is probably
a reason why the learned counsel for the defense has been
able to discover a few inaccuracies in that translation. Since
my attention was called to those passages on cross-examination,
I have gone over carefully the originals, with a view
to checking up on those translations made under the circumstances
just stated. I have prepared, as a result of my study
since my cross-examination, further translations.

Whereupon counsel for the government tendered, as a
part of the testimony of Professor Alvord, with the
original French in each extract, the revised translations,
which revised translations were thereupon introduced
707 into the record.

Passage from Margry, second volume, page 79, referred to on the direct examination on page 80:

"De plus, quand, contre ce qu' on nous a dit et tout ce que je peux conjecturer de cette riviere, elle ne seroit pas navigable jusqua'a la mer, cette seconde barque que j'ay fait commencer dans le pays des Islinois seroit toujours tres-necessaire	Furthermore, in spite of what has been said to us and all that I can conjecture about this river, since it may not be navigable as far as the sea, this second ship, that I have commenced in the Illinois country, would be always very necessary to carry back by a river which I have

pur ramener *par une riviere que j'ai trouvee* les danrees du pays des Islinois au for Frontenac, cette riviere y estant beaucoup plus commode que le chemin par ou Jolliet avoit passe, dont il avoit dissimule les difficultez par des raisons que je n'ay pu deviner."

found, the products of the country of the Illinois to Fort Frontenac, since this river is much more easy than the route by which Joliet has passed, of which he had concealed the difficulties for reasons which I have not been able to conjecture.

708 From page 82 of the same volume, referred to on the direct examination on page 80:

"Il en faut un aussi au fond du lac des Islinois, ou la navigation finit au lieu mesme nomme Checagou, pour y serrer les choses qu'on auroit apportees dans les barques et en faire le transport aux canots a deaux lieues de la d'ou les mesmes canots seuls peuvent navigeur jusqu'an village des Islinois pendant l'espace de quarante lieues, contre ce que Jolliet avoit die qu'il n'y avoit qu'un quart de lieue d'interruption de navigation."

There must needs be an establishment also at the bottom of Lake Illinois, where navigation stops at a place called Checagou, in order to unload there the goods brought in the ships and transfer them to canoes two leagues from there, where the same canoes alone can navigate, to a village of the Islinois Indians distant a space of forty leagues. This is contrary to what Joliet has said, namely that there was only a quarter of a league of interruption of navigation.

From page 165 of the same Vol. II, Margry, referred to on my direct examination on page 82:

709 "Ayant acheve mes chaces, pe partis le 28 Decembre et je me rendis a pied ou estoit le sieur de Tonty, le 6 Janvier, les neiges m'ayant arreste quelques jours au portage de Checagou.

Having made my cache, I set out the 28th of December and went on foot to where Monsieu de Tonty was the 6th of January, the snows having stopped me some days at the portage of Chicagou.

This is an isthmus which is

C'est un isthme de terre qui est a 41 degrez 50 minutes de'elevation du pole, a l'Ouest du lac des Islinois ou on arrive par un canal forme da la rencontre de plusieurs ruisseaux ou esgout de la prairie. Il est navigable environ 2 lieues jusqu'au bord de cette prairie, a un quart de lieue vers l'Ouest. Il y a un petit lac qui est divise en deaux par une chausses de castors, long d'environ une lieue et demye, duqual il sort un ruisseau qui, apres avoir serpente environ demy-lieue a travers des joncs, 710 va tember dans la riviere de Checagou, et, de la, dans celle des Islinois. Ce lac estant remply ou des grandes pluyes en este ou par les debordements du printemps, se descharge aussy dans ce canal qui conduit au lac des Islinois, dont la surface est plus basse de sept pieds que la prairie dans laquelle est ce lac. La riviere de Checagou fait le mesme le printemps, lorsque son canal est remply; elledescharge par ce petit lac une partie de ses eaux dans celuy des Islinois, et en ce temps, qui fairoit l'este en petit canal de un

41 degrees 50 minutes elevation from the pole on the west of the lake of the Illinois, where one goes by a canal formed by the juncture of several small streams or gullies of the prairie. It is navigable about two leagues to the edge of this prairie at a quarter of a league distant towards the west. There is a little lake about a league and a half long, which is divided in two by a beaver dam, from which there runs a stream, which after having twined in and out about half a league across the rushes, falls into the Chicago river and from there into the river of the Illinois. When this lake is full, either from great rains in summer, or from the floods of the spring, it is discharged also into this canal which leads to the lake of the Illinois, whose surface is seven feet lower than the prairie where is situated this lake. The river of Chicago does the same in the springtime when its channel is full. It discharges by this little lake a part of its waters into the lake of the Illinois; and at this time, should one make in summer a little canal of a quarter of a league, says Joliet, from the lake to the basin which leads to the Illinois river, ships could enter into Chicago and descend to the sea. That might perhaps

quart de lieue, dit Jolliet,
depuis ce lac jusqu'au
bassin qui conduit a
711 celuy des Islinois, les
barques pouroient entrer
dans Checagou et descendre
jusqu'a la mer.
Cola pourroit peutestre
arriver le printemps,
mais non pas l'este,
parce qu'il n'y a point
du tout d' eau dans la
riviere jusqu'au fort
Saint-Louis ou commence
la navigation de celle des
Islinois en cette saison,
et dure jusqu'a la mer.
Il est vray, il y a encore
une difficulte a laquelle
ce fosse qu'on feroit ne
pouroit pas remedier, qui
est que le lac des Islinois
forme tousjours une batture
de sable a l'entree
du canal qui y conduit,
que je doute fort, quoi
qu'on dise, qui pust estre
nettoyee ou dissipee par
712 la force du courant de
Checagou, quand on l'y
feroit tomber, puisque de
bien plus grandes dans
le mesme lac ne le
peuvent faire. De plus,
l'utilite en seroit peu
considerable, parce que
je doute, quand tout reussiroit,
si un bastiment
pourroit surmonter le
grand debordement que
les courants causent dans
Checagou, au printemps,
beaucoup plus rude que

happen in the springtime, but not in the summer, because there is no water at all in the river as far down as Fort St. Louis, where the navigation of the Illinois river begins at this season, and extends as far as the sea. It is true that there is still another difficulty which this ditch which one would make could not remedy. It is this: The lake of the Illinois always forms a sandbank at the entrance of the channel which leads to it I doubt very much, in spite of what is said, whether this could be cleaned out or cleared away by the force of the current of the Chicago river when it was made to flow therein, since much greater currents in the same lake cannot do it. Moreover, the utility of a canal would not be very great, for I doubt, when everything should succeed, if a boat could overcome the great floods which the currents cause in the Chicago in the springtime. These are much heavier than those of the Rhone. Again navigation would be for only a short time, at most for 15 or 20 days in the year, after which there is no longer any water. What confirms me still further is the thought that the Chicago river could not clean out the mouth of the canal, is that when the lake is filled with blocks of ice, these stop

ceux du Rhosne. Encore seroit-ce pour peu de temps et au plus pour quinze ou vingt jours par an, apres quoy il n'y a plus d'eau. Ce qui me confirme encore dans la pensee que Checagou ne pourroit pas nettoyer l'emboucheure du canal,
713 c'est que le lac estant remply de glaces qui bouchent les emboucheures les plus navigables en ce temps la, et, lorsque les glaces sont fondues, il n'y a plus d'eau dans Checagou pour empeacher de boucher ce canal de sable. Aussy n'aurois-je pas fait mention de cette communication, si Jolliet ne l'avoit proposee, sans avoir assez pris garde aux difficultez."

up the most navigable mouths at this time, and when the ice is melted, there is no longer water in the Chicago river to hinder blocking this canal with sand. Also I should not have made mention of this way of communication, if Joliet had not proposed it without sufficiently examining the difficulties.

From page 168, Vol. II, Margry, referred to in my direct examination on page 84:

"—; et puis quand on s'obstineroit a cette communication par le moyen des barques, comme elles ne peuvent naviguer dans les lacs avant la mi-Avril
714 a cause des glaces et souvent mesme plus tard et que jamais en cette saison ny ensuite le reste de l'annee, Checagou n'est navigable mesme aux canots, si de n'est apres quelque orage."

—; and then if one should persist in this communication by means of ships, as they cannot navigate in the lakes before mid-April because of the ice and often even later, and because never at this season nor afterwards the rest of the year, is Chicagou navigable even for canoes unless after some storm.

From page 174, Vol. II, Margry, referred to in my direct examination on page 84:

"Tout cecy se trouve par tout le pays que nous avons traverse, et, comme il y en a des la naissance de la riviere des Islinois apelee par les Sauvages Teatiki, je ne le repeteray point. Apres l'avoir suivie environ cinq lieues a travers ces campagnes, elle recoit a guache en descendant une autre riviere prosque
715 aussy grande, qui' on appelle la riviere des Iroquois, at puiz continuant tousjours rapide l'espace de vingt-cinq lieues lo long de ces mesmes campagnes ou elle se grossit de quelques autres moins considerables, elle recoit a droite celle de Checagou. Cette riviere vient de devers la baye des Puans et est plustost un torrent qu' une riviere, quoyqu'elle sit plus de soixante lieues de cours, n'y ayant point du tout d'eau la pluspart de l'annee. Le village des Maskoutens appele la Nation du Feu, en est procho, s'estant retirez la par la crainte des Iroquois. Il y a du confluent au port-
716 age par ou on va au lac des Islinois environ quinze lieues, tout de campagnes, par derriere

All this is found throughout all the country which we have traversed, and as this is the case from the source of the River Illinois, called by the savages Teatiki, I will not repeat it. After having followed it about five leagues across these prairie, it receives on the left as one descends another river almost as great, which is called the River of the Iroquois, and then continuing very rapidly for the space of twenty-five leagues along these same prairies, where it is increased by some less considerable streams, it receives on the right the River Chicagou. This river comes from near Green Bay and is rather a torrent than a river, although it is more than sixty leagues long and does not have any water most of the year. The village of the maskoutens, called the nation of fire, is near it; they have retired there on account of their fear of the Iroquois. The distance from the confluence to the portage by which one goes to the Lake of the Illinois is about fifteen leagues, all prairie land behind the edges of the river, which are at intervals covered with woods and surrounded by marshes. The portage of Chicago is distant about eight leagues

les bordages de la riviere qui sont part intervallez couverts de bois at environnez de marescages. Du portage de Checagou il y a envi ron huit lieues du village des Maskoutens vers le Nord-Quest. En suivant la riviere de Teatiki depuis le confluent du Checagou on trouve, environ neuf lieues durant, le plus beau paysage du monde."

from the village of the Maskoutens, which lies to the northwest. In following the River Teatiki from the confluence of the Chicago, one finds for about nine leagues the most beautiful country in the world.

From page 297, Vol. I, Margry:

"La quatriesme re-
marque regarde un ad-
vantage bien grand et
717 considerable, et qu' on
aura puet-estre de la
peine a croire; c'est que
nous pourrions aisement
aller jusques a la Flor-
ide en barque et par une
fort belle navigation. Il
n'y auroit qu'une saignee
a faire, coupant demy
lieue de prairie seulement
pour entrer du fond du
lac des Illinois dans la
riviere Saint Louis.
Voicy la route qu' on
tiendroit. La barque se
devroit faire dans le lac
Erie, qui est proche de
l'Ontario. Elle iroit aise-
ment du lac Erie dans le
lac Huron, d'ou elle en-
treroit dans le lac Illi-
nois, au fond duquel se
feroit la tranchee ou le
canal dont j'ay parle
718 pour avoir passage dens

The fourth remark concerns a very great and considerable advantage and one which it will perhaps be difficult to believe; it is that we should be able to go easily by ship to Florida and by means of a very good waterway. There would be only one canal to make and that by cutting through only one-half a league of prairie to enter from the lower part of the Lake of Illinois into the River St. Louis. Here is the route which one would take. The ship would have to be made in Lake Erie, which is near Lake Ontario. It would go easily from Lake Erie into Lake Huron, whence it would enter into Lake Illinois, at the bottom of which the ditch or the canal or which I have spoken would be necessary to have a passage into the River St. Louis which empties into the Mississippi. Thence the

la riviere de Saint-Louis, qui se descharge dans Mississippi, y estant la barque navigable facilement jusqu'au golphe de Mexique."	ship would easily navigate to the Gulf of Mexico.

This translation is more literal than my original translation, although it does not vary very much except in those points that were pointed out to me by the learned counsel, and on the whole it does not differ very much from the translation which he himself has read to me.

With reference to the number of accounts of the actual use of the Desplaines river by traders, one would not expect to find a very large number of accounts of the actual use of a river situated far from civilization like the Desplaines 719 river was at the time that it was used by the fur traders. the men that were using it were not given to the pursuit of literature. The majority of them were illiterate French Canadians, and many of the English were not educated men. The novelty of the travel over such a route had worn off so that it would be surprising if there had been preserved many narratives by the men that had made the journey themselves. To me it seems rather surprising that we have as many as we have preserved. I have never made the direct comparison between the accounts of the use of the Chicago-Desplaines with, for instance, the accounts that have been preserved of the use of the Saint Joseph-Kankakee, or the Maumee-Wabash, or the Fox-Wisconsin, although I should imagine that in every case the number of narratives would not be very great.

With reference to my cross-examination as to the use of the word "Chicago" as it would be applied to the St. Joseph river, I have given further consideration to that subject.

Objected to as a conclusion of the witness, and incompetent, irrelevant and immaterial.

720 The cross-examination brought out a disagreement between myself and the local historians of Chicago in regard to the use of the name "Chicago" to designate the St. Joseph. My own opinion was based upon the fact that we have no writer who knew the region well and who was competent to describe it, using the word Chicago to designate the St. Joseph river; and to prove that the St. Joseph was called the Chicago, it would be necessary to find some contemporary writer who had knowledge of the region so using the word.

From the passages that have been introduced, it seems clear that from the earliest times the word Chicago was used to designate a spot pretty definitely located on the southwestern shore of Lake Michigan. With reference to the Miami Indians and their location, I have found further light upon that subject since my cross-examination. I have found passages from competent historians, who take the view that I took at the time I was being cross-examined, that the mission of the Miamis, known as the Guardian Angel, was situated at
721 Chicago. The first passage is from "The Catholic Church in colonial days," by John Gilmary Shea, New York, 1886. The passage is found upon page 537.

Whereupon the said extract was introduced into the record, as follows:

> "In 1696 he (Father Gravier) was joined by Father Julian Binneteau, who apparently remained in Kaskaskia while Father Gravier descended to Montreal, and subsequently devoted himself to the more distant missions, and Father Peter Pinet founded the Miami mission of the Angel Guardian at Chicago, where there were two villages containing in all some 300 cabins, and where he converted the Peoria chief who had resisted Father Gravier's exhortations. Yet the Count de Frontenac, Governor of Canada, compelled Father Pinet to abandon his mission, until the influence of Bishop Laval enabled him to resume his Gospel labors."

On page 539 the following passage:

> "To found the new missions on the Mississippi, the Seminary (the Seminary of Foreign Missions at Quebec) selected V. Rev. Francis Jolliet de Montigny, Rev. Anthony Davion, and Rev. John Francis Buisson de Saint Cosme. The outfit for this Christian enterprise amounted to more than ten thousand livres, nearly one-half being furnished by Messrs. Montigny and Davion. The party set out, and reaching Mackinac in September, passed by
> 722 Father Pinet's Chicago mission, and by Father Marest's near Fort Peoria, where they obtained an Illinois catechism and prayer book."

This book to which I have just referred is the standard history of the Roman Catholic Missions in America, and it is accepted not only by Roman Catholics and Roman Catholic historians, but also by historians generally as a very authoritative work. Shea, the author of this book, is the same Shea with reference to whom I have testified on my direct examination.

The next passage is taken from Jesuit Relations, edited by Reuben Gold Thwaits, Vol. 64, page 278. It is a footnote to page 139, in reference to the phrase "Father Pinet."

Whereupon the said extract was read into the record, as follows:

> "Pierce Francois Pinet was born at Perigueux, France, Nov. 11, 1660; and entered the Jesuit novitiate at Bordeaux, Aug. 29, 1682. * * * He was at first sent to Michillimackinac; but in 1696 he went to Illinois, and founded the mission of the Guardian Angel at Chicago, among the Miami bands located there. This mission was broken up in the following year—according to Jesuit writers, through Frontenac's hostility, but Lavala's influence procured Pinet's return thither. The latter went,
> 723 probably early in 1700, to the Tamaroas, an Illinois tribe located on the Mississippi, not far from the mouth of the Missouri—a place known later as Cahokia."

Referring to the subject of Joliet's route, concerning which I was cross-examined, I would say the Journal of Father Marquette states the return from the Illinois river to Lake Michigan in rather in definite terms, but we have Marquette's map showing the location of the rivers, and also Joliet's map, which we use in our interpretation of the passage in Marquette's Journal.

On being asked: "What light do these maps throw on the question of that route?"

Which question was objected to by counsel for the defendant on the ground that the maps speak for themselves, the witness replied: "They indicate that the route was by the Illinois river."

They give very directly the route which was followed
724 in passing from the Mississippi to Lake Michigan. Directing my attention to the matter to which counsel on the other side referred, being the use of the Desplaines river on Marquette's return, which occurs at page 63 of the direct examination and page 490 of the cross-examination, the learned counsel for the defense seemed to think that there was a confusion in my mind in regard to the particular journey concerning which he was questioning me. He first question reads as follows:

"Speaking of Marquette's journey again, Marquette returned the second time in 1674, and 1675, the winter of 1674-5."

That could refer only to Marquette's journey to the Illinois. Later on he read from Justin Winsor, a passage which appears in the publication called "The Saint Joseph-Kankakee Portage," by G. A. Baker, 1899, North Indiana Historical Society, publication No. 1, page 21, in which Justin Winsor discusses the question of Marquette's journey from the Illinois to the Great Lakes concerning which nothing was said in my direct examination, and concerning which the learned
725 counsel had not asked me. We were discussing in our direct examination Marquette's journey to Illinois. Marquette didn't return to Illinois in 1674; he returned from Illinois in 1675. Nothing was said in my direct examination concerning the return of Father Marquette from Illinois and this passage that is quoted from Justin Winsor is concerning the return from Illinois to Michigan and not concerning
726 the journey from Michigan to Illinois, the second time, as is shown by the pamphlet from which this is quoted, and also as is shown by the passage which is quoted from
727 Shea in the cross-examination on page 492. In order to make the matter clear on the record as to the use of this river, I would say that Marquette returned to Illinois from Mackinaw in the winter of 1674-5 by way of the Chicago and Desplaines river. He was very sick and although in the spring he made his way to the Illinois villages and said mass there, he found himself too weak to continue his mission and shortly after he stopped. The time is not definitely given, but he decided to return to Mackinaw. He went by a route that he had never used before which seemed to be the Kankakee and the St. Joseph, and Justin Winsor's remark which is quqoted refers to this return from Illinois.

With reference to the Calumet portage, concerning which I was questioned on cross-examination, I would say that the Calumet portage when it was used and the references to it are not very numerous, was by way of the Sag to the Desplaines river and down the Desplaines. The Sag is located above Joliet.

Referring to Du Pratz' history as to the use of the term "Illinois," De Pratz says on page 182 in the passage re-
728 ferred to by counsel for the defense:

> "The whole continent north of the river of the Illinois is not much frequented, consequently little known."

That would not necessarily mean the region directly between the Illinois River and Lake Michigan. The term Illinois at the time Du Pratz was writing was a very extensive one. It was the name of a district of the Province of Louisiana. That district stretched on the east of the Mississippi River from the Ohio River northward taking in the country watered by the rivers flowing into the Mississippi, and as far northward as the Hudson Bay Company land. On the west side of the Mississippi, the term Illinois included all the land from the Arkansas River northward to the Hudson Bay Company land, and westward to the Rocky Mountains, so that when Du Pratz speaks of the Illinois he may refer and probably does refer to this vast region to the north, of which the French knew very little at this time, although discoveries were going on at the time that Du Pratz was writing in reference to this vast region.

Referring to Hubbard's book, I have examined it with a view to determining whether there was anything further
729 that threw light upon this subject. Such additional passages are as follows:

On page 25 occurs the following:

Whereupon said extracts were introduced into the record and are as follows:

> "I (Hubbard) had before this been told by Mr. Deschamps that he made a trip every fall to St. Louis, with one boat, to purchase supplies of tobacco and other necessaries for distribution among the various traders on the Illinois River; and as he had seemed fond of me, and possessed my confidence, I went immediately to him with my letter, thinking to advise him with, and, perhaps, to send by him an answer to my father. After hearing my story, he delighted me by saying, 'Would you like to go with me, if it can be so arranged?' to which I answered affirmatively, and begged for his influence and efforts to that end."

Then he continues an account of the passage of the boats to Chicago, and there follows that passage which has already been introduced, concerning the passage up the Chicago River and down the Desplaines River in 1818.

On page 46 he continues:

> "From this point we departed with but one boat, with a picked crew of men, all in high glee and singing a Canadian boat song, in which Mr. Deschamps, as usual, led.
> 730 We made rapid progress, and when we again camped it

was at the mouth of the Illinois River. On the following day, November sixth, at about two o'clock in the afternoon, we reached St. Louis. Our boat was soon surrounded by the friends of Mr. Deschamps, among whom were many priests, and all united in a hearty greeting."

On page 118 I find the following:

"Early in the fall I left Mackinaw in the usual way for my fifth winter in the Indian country. By request of Mr. Cooks we invited a gentleman to accompany us, who desired to visit Southern Illinois. He was a gentleman of intelligence; in figure, tall and gaunt, and possessed of one of those inquisitive minds which ever denotes the genuine 'Yankee'."

Continuing on page 121:

"Our trip was a tedious one, we being kept many days in camp by heavy adverse winds. We were nearly a month in reaching Chicago, where, as usual, I was welcomed by my friends, the Kinzies, who, with Dr. Wolcott, rendered me many kind services.

At Chicago I found Pierre Chouteau, Jr., of St. Louis, whose acquaintance I had formed several years before, and who now proposed that I should enter their employ at the expiration of my engagement with the American Fur Company; during my two weeks' stay we became very intimate. The officers of the fort were good com-
731 panions, and I passed much of my time with them, and very pleasantly, and much regretted the time of parting.

We encountered the usual trials and hardships between Chicago and Starved Rock, and in due season arrived at Bureau Post ,where I had passed my first winter, and Mr. Beebeau having died since our departure the previous spring, I was placed in charge."

On page 140 occurs the following:

"On the third day I reached Chicago, reported to Mr. Kinzie, and found that he had started two men in a canoe to meet me at Peoria with a list of the goods required.

The day following I started in another canoe with an old Frenchman for Peoria, and we got along without trouble until we reached Peoria Lake."

On page 150 occurs the following:

"Six or eight days after this event, while at breakfast in Mr. Kinzie's house, we heard singing, faintly at first, but gradually growing louder as the singers approached.

Mr. Kinzie recognized the leading voice as that of Bob Forsyth, and left the table for the piazza of the house, where we all followed. About where Wells street now crosses the river, in plain sight from where we stood, was a light birch-bark canoe, manned with thirteen men, rapidly approaching, the men keeping time with their paddles to one of the Canadian boat songs; it proved to be Governor Cass and his secretary, Robert Forsyth, and
732 they landed and soon joined us. From them we first learned of the breaking out of the Winnebago war, and the massacre on the Upper Mississippi. Governor Cass was at Green Bay by appointment, to hold a treay with the Winnebagoes and Menomonee tribes, who, however, did not appear to meet him in council. News of hostilities reaching the Governor there, he immediately procured a light birch bark canoe, purposely made for speed, manned it with twelve men at the paddles and a steersman, and started up the river, making a portage in to the Wisconsin, then down it and the Mississippi to Jefferson Barracks below St. Louis.

Here he persuaded the commanding officer to charter a steamer, and embarking troops on it, ascended the Mississippi in search of the hostile Indians, and to give aid to the troops at Fort Snelling. On reaching the mouth of the Illinois River, the Governor (with his men and canoe, having been brought so far on the steamer), here left, and ascending that stream and the Desplaines, passed through Mud Lake into the South Branch of the Chicago River, thus reaching Chicago. This trip from Green Bay, was performed in about thirteen days, the Governor's party sleeping only five to seven hours, and averaging sixty to seventy miles travel each day."

733 I have been able to find additional evidence in reference to the United States trading posts concerning which I was cross-examined. The book I refer to is entitled: "The Character and Influence of the Indian Trade in Wisconsin, by Frederick J. Turner, Ph. D., Baltimore, 1891." This is a book to which I have already referred. The passage to which I refer is on page 60, but previous to this he gives quite
734 a sketch of the government trading houses, which sketch he closes with the following account:

"In the course of the debate over the law in 1796 considerable laissez faire sentiment was called out against the government's becoming a trader, notwithstanding

> that the purpose of the bill was benevolence and politic advantage rather than financial gain. President Jefferson and Secretary Calhoun were friends of the system It was a failure, however, and under the attacks of Senator Benton, the Indian agents and the American Fu Company, it was brought to an end in 1822. The cause of its failure were chiefly these: The private trader wen to the hunting grounds of the savages, while the government's posts were fixed. The private trader gave credi to the Indians, which the government did not. The private trader understood the Indians, was related to the by marriage, and was energetic and not over-scrupulou The government trader was a salaried agent not traine to the work. The private trader sold whiskey and th government did not. The British trader's goods wer better than those of the government. The best busines principles were not always followed by the superintendent. The system was far from effecting its object, fo the Northwestern Indians had been accustomed to receiv presents from the British authorities, and had small respect for a government that traded. Upon Wisconsi trade from 1814 to 1822 its influence was slight."

In reference to Popple's map, I would like to furthe
735 say that this map was made in 1733. Pople's work o the cartography of the west was made at a time when th British were still learning about the configuration of the we and therefore the map is by no means as accurate as late maps which were made by men who were more familiar wit the western conditions, and it is not surprising that he ha been led into errors.

Referring to the Board of Trade report found in volum 19 of the Michigan Pioneer and Historical Collections, page 5 and 6, in which they describe the route from the lakes t the Mississippi as follows:

> "Up the river Chicago they sail but three leagues to portage of one-fourth of a league; then enter a smal lake of about a mile, and have another very small portage, and again another of two miles to the river Illinois thence down the stream 130 leagues to Mississippi,"

this description, if the names were left out, I should say could not have referred to the physical conditions which existed over the St. Joseph-Kankakee route. The physica
736 conditions of the Kankakee route which lead me to make this answer are, that the portage at St. Joseph was many

miles up the St. Joseph, forty or fifty miles, and also the portage was not marked by a small lake from the St. Joseph to the Kankakee. Those two physical conditions seem to presuppose another portage than that one.

Re-cross Examination.

My authority for the statement that there were no small lakes on the St. Joseph portage is Mr. Baker of Indiana, who has worked out the history of that portage most completely. He speaks only of small ponds that occurred, but were not regarded as lakes or spoken of as lakes. My impression was, as I read the article, that the number of ponds might vary. I have made no investigation on the ground.

In reference to the Chicago-Desplaines portage, in La Salle and in some other places they seem to speak of Mud Lake
737 being divided by a beaver dam and the two lakes were the two portions of Mud Lake, but divided by a beaver dam.

The earliest maps introduced by me have a small lake at the source of Lake St. Joseph and another at the source of the Theakiki. The best maps, to my impression, do not have that. As to the best maps, I would refer to Bellins; that would be a fair map. Bellin's maps seem to mark two small ponds. As to whether if they were ponds they would hardly be on the map and as to whether they all show them right on the portage I would say yes they all show right on the portage. Bellin's map shows no lake on the Desplaines portage. The Moll map of 1729 shows two small lakes on the Kankakee portage. That goes back, I think, to Lahon-
738 tan's map or Father Hennepin. I made no mention of this fact in introducing Moll's map. The map of Denis, 1779, seems to show a lake at the St. Joseph-Kankakee and does not show any at the Desplaines-Illinois, and the map Carte Particulaire de Fleuve, St. Louis, &c., shows two lakes on the Kankakee and St. Joseph portage and does not show any at the Desplaines-Chicago.

I have examined Beckwith's history of Vermillion County. I do not now remember its description of the portage of St. Joseph. I do not remember the passage that counsel says:

> "The distance intervening between the head of this little lake, referring to a lake where the Kankakee River takes its rise, is about two miles over marshy ground."

The large Mitchell map introduced by me shows two
739 lakes at the Kankakee-St. Joseph portage, on the portage.
It does not show any lake at the Chicago-Desplaines portage. As to whether I am still of the opinion that there were no lakes on the Kankakee-St. Joseph portage I will say the most authoritative study of the Kankakee-St. Joseph portage states that there were no lakes, and my authority on that is Mr. Baker's study out of which I took Justin Winsor's letter. I do not remember his precise language. He makes the distinction between lakes and ponds; he speaks of ponds. Charlevoix I think speaks of ponds also. Charlevoix says:

> "This morning I walked a league farther in the meadow, having my feet almost always in the water; afterwards I met with a kind of pool or marsh which had a communication with several others of different sizes, but the largest not above a hundred paces in circuit. These are the sources of the river Theakiki."

The time of which Charlevoix speaks is the same time
740 when he speaks of it as being so dry that there was no water at all in the Desplaines.

As to how I would account for the fact that these maps show the appearance of small lakes, if it is true that there were no lakes at the portage of the Kankakee and St. Joseph, I would say that one would have to study pretty carefully the sources of information which these mapmakers have used, whether they have used the most authoritative accounts of the portage of the St. Joseph, and if they have, why then you would have to decide that the lakes were there. These maps were introduced by counsel for the purpose of showing a general knowledge, a knowledge that is widely diffused, that mapmakers in Europe knew that there was a portage between the Chicago and Desplaines river. They would not be less authoritative for the character of the portage between the Kankakee and St. Joseph than for the Chicago and Desplaines.

741 Counsel states that I have referred to Du Pratz, to the effect that the Illinois was a broad general term including a stretch of territory extending across west of the Mississippi even as far as the Rocky Mountains, and that I have said that probably that is the sense in which he used the word in the portion of his text that was read into the record, and that in that connection I was asked if there were any maps which throw any light upon the subject. There is a

map in that book, I would say that the extract referred to reads:

> "The whole continent north of the river of the Illinois is not much frequented, consequently little known."

The map shows a river on which, or above which is written "River of the Illinois." The language which referred to the River Illinois does not extend to the Rocky Mountains.

I was referring to the district of the Illinois. He said
742 Illinois above the river. That was my interpretation of
the passage. As to whether what he said was, "the continent above the river Illinois," not "Illinois above the River Illinois," would say he says, "The whole continent north of the River Illinois." The River of the Illinois, as shown by his map, is substantially identical with the Illinois river as known today, and the map shows various rivers entering the Mississippi on the east and west, including the Missouri on the west, a river which he calls the River St. Francis, the river of the Arkansas, and the Black river.

As to whether it is my opinion that when he spoke of the continent north of the Illinois river, he probably meant all the way out to the Rocky Mountains, would say he is describing in that chapter the district of the Illinois himself.
743 My opinion is that he meant the region to the north of
that particular line which might extend from the Atlantic ocean to the Pacific ocean on the Illinois river. That is about what I suppose he meant. I am aware that on the same page he speaks of the Illinois a number of times.

> "The French post of the Illinois is, of all the colony, that in which with the greatest ease they grow wheat,"

etc., and then again, a little lower down, he says:

> "In those countries there is a river which takes its name from the Illinois";

and again:

> "Such as come from Canada, and have business only on the Illinois, pass that way yet."

Being asked if I think these references where he uses the word "Illinois" refer to any country except that in the neighborhood of the Illinois river, will say he refers there to the region occupied by the Illinois Indians. It is approximately the territory that we know as Illinois today, except not so far
to the east. The French post of the Illinois which he
744 refers to was in the present limits of Illinois. The "river
which takes its name from the Illinois" was the Illinois river as now known. I have said in connection with an ex-

tract from Volume 18 of the Wisconsin Historical Collections that in those early days you could not expect accuracy in matters of distances. That was in 1754 and would apply to periods prior to 1754. As to whether I am aware that in many places where they describe the portage of the Kankakee, they begin their measurements at Fort St. Joseph and go up the river from that point, it would depend wholly upon what point they were talking of going from. It is not true that in describing the portages they frequently began their descriptions from St. Joseph; they would generally take in the River St. Joseph itself, I think; that is my remembrance. The distance from Fort St. Joseph to the beginning of the portage is very short, a few leagues. The number of accounts of the use of the Chicago-Desplaines by fur traders, which is so large as to be surprising, are those that I have detailed.

745 Counsel then stated that he understood witness to say that the questions as to Marquette were not directed to his return from the second trip, and asked witness if he had examined carefully the record of what was asked him and what he testified to and if he based that statement upon that record, whereupon witness stated that the first question referred to the return of Marquette to Illinois which is the journey which was referred to him in his direct examination.

Counsel then asked if he did not make it clear to witness that what he was talking about was his return to Lake Michigan from the second journey. Witness replied: We finally got to an agreement on that. There was no misunderstanding when we got through. Your original question to me was as follows:

> "Speaking of Marquette's journey again, Marquette returned the second time in 1674 and 1675, the winter of 1674-5."

On that second trip down he arrived at Chicago in the
746 winter, and stayed there during the winter. He returned in the late winter of 1675. And you said to me:

> "These questions are all directed to the route taken by him on his return from that last trip."

That is my memory of it and that was in my mind when I testified this morning.

I have not made a study on the ground of the Calumet portage. My authority for the statement that the Calumet portage was by the way of the Sag is the one man that is made the closest study of Calumet portage, I suppose, Mr. Hager, who writes of it in Andreas, and that was his opinion; and

then Thomas Hutchins in a map which we will introduce later, also shows the Calumet portage as leading to the Desplaines. I have been advised by the government that that map will be introduced. I have never seen any statement that there
747 was a portage from the Calumet direct to the Kankakee. I have no other authority for my statement that the Calment portage was by way of the Sag than what I have now made.

I referred on re-direct examination to Gurdon S. Hubbard's book, page 25, as follows:

> "I had before this been told by Mr. Deschamps that he made a trip every fall to St. Louis, with one boat, to purchase supplies of tobacco and other necessaries for distribution among the various traders on the Illinois River,"

there is nothing which states where he began his journey to St. Louis except that Deschamps had his headquarters at Chicago. Deschamps had tradings posts on the Illinois river at this time. The point where he says on page 46:

> "From this point we departed with but one boat, with a picked crew of men, all in high glee and singing a Canadian boat song,"

was on the Illinois river, somewhere in the neighborhood of Peoria. I read from page 121, I found on page 122 this paragraph:

748:

> "The time soon arrived when we were to visit the camps of the Indians in the interior and endeavor to secure their furs, collect the amounts with which they had been credited, and sell to them the goods which we carried with us. Bourbonais had five or six horses, while I had none, which of course gave him a great advantage, as he could pack his goods onto the horses, and return with his furs in the same manner, while I depended on the backs of my men."

Popple's map is dated 1733. The same reasons which might contribute inaccuracies to that map, would apply also to maps prior to that time which have been offered in evidence particularly to any English map that might be introduced at that time.

Re-direct Examination.

My remembrance is that the distance from the mouth of the St. Joseph river to the portage is 50 or 60 miles. I have forgotten exactly the number of miles.

749 *Re-cross Examination.*

The Board of Trade papers which I referred to, and which I think, because they speak of two lakes and because in my opinion there were no lakes there and because of the distance, meant, Chicago, also refers to Fort Miami being at the mouth of the river which they went up. Fort Miami was not at the mouth of the Chicago river.

750 ANDREW C. McLAUGHLIN, called as a witness on behalf of the government, testified as follows:

Direct Examination.

My full name is Andrew Cunningham McLaughlin. I live at 5609 Woodlawn avenue, Chicago. My occupation is that of professor and head of the Department of History in the University of Chicago. I have held that position four years and a half. Prior to that time I was a professor of American History in the University of Michigan since 1891. Prior to that I had been an assistant professor of history for three 751 years, I think it was. Two years of the time when I was professor of history at the University of Michigan I was absent in charge of the Bureau of Historical Research of the Carnegie Institute at Washington. I have been associate editor of the American Historical Review for twelve years. Four years of that time I was managing editor of the American Historical Review, from 1901 to 1905. I am a member of the American Historical Association; the Illinois Historical Society; corresponding member of the Massachusetts Historical Society; Wisconsin Historical Society; and the American Antiquarian Society. In connection with my profession, I have written a number of historical articles and books. The principal ones would be the Life of Lewis Cass for the American Statesman Series, which I wrote about twenty years ago; an article on the Retention of the Western Coast by the British in 1783; a history of the American Nation, so-called, a 752 text-book for schools; The Confederation and the Constitution, one of the volumes of the American Nation Series, published by Professor Hart; and various other articles for magazines and journals.

My department of historical research and writing has been American history in general, though I have specialized more

particularly in American constitutional history. I have done
some work in western history, more especially some years
ago, and have overlooked the work of advanced students in
the question of history to some extent. I have made a special
study with reference to the methods which I used in historical
research and the methods which historians use to arrive at
a conclusion with reference to historical facts. I have studied
books on historical methods and especially in my connection
with teaching historical methods to students I have made
special preparation in various ways; I have studied the methods
of historical writers and I have been called upon as editor
of the American Historical Review for years to examine critically
articles that were sent in for publication. The object
in view when I studied and made a review of these articles
was to discover whether proper historical methods were
753 used and the material handled properly, and the conclusions
that were reached appeared justifiable and whether
the articles were new and properly put together and acceptable
in general. One of the things which I have tried to determine
has been the accuracy of the statements which appeared in
those articles. There is a branch of writing, in connection
with the study of history and the methods of historical research
which is devoted to the methods of history and there
are well-recognized authorities which I have made a study
and investigation of. The chiefest authority is Bernheim,
Lehrbuch der Historischen, Methode. Almost as well known,
though not as complete, is Langlois and Siegnobos, introduction
to the study of history. I know it in translation. George's
Historical Evidence. Those are the chief things that I have in
mind.

754 The classes of material recognized by students of history are classified commonly as source and secondary authorities. The historical investigator seeks to come just as near a fact which he is endeavoring to establish in time and place as possible. In doing so he uses the sources. In many cases in making such an investigation we may rely upon monographic material which is strictly secondary authority, but the historical investigator seeks to go to the sources technically so called. To define what I mean by sources: sources is a translation of the German word "quellen" and it means, of course, the headwaters and the actual source of a stream of information. It is defined by Bernheim in some such way as this, and this I should say would be the proper definition:

"Sources are the relics of the past which enable us to reconstruct the past; those sources or relics either being purposely intended for the purpose of enabling us to know what went on in the past, or by nature adapted to such purpose."

755 The historical student seeks if possible to reduce every statement as far he can to an actual observation and in order to do that he endeavors to get just as near to the facts as he can. As a matter of fact he often has to use very insufficient observations at times and he does not always have at his hands facts that are stated by participants in events or in those facts, or those that have actually seen the occurrences. The consequence is that there is a somewhat loose definition of different classes of historical sources. In the first place, there are the actual relics or survivals of the past activities of man. These include not only buildings, very evident tangible survivals of that kind, but books of account and papers of that kind which generally do not need to be submitted to the ordinary tests of psychological character. These first are commonly called the unconscious sources, though there might be other unconscious sources that would not come under this definition of survivals or ueberreste, as the Germans call it.

In the second place, we would have the account of a contemporary who knew of his own knowledge what happened, the events which he narrates.

756 In the third place, we should have accounts by a contemporary who very evidently and distinctly based his evidence upon the knowledge of others and upon the reports of others.

Also, in the next place, we have accounts that are not strictly by contemporaries but by persons much nearer the events in time and place than we are and who seem to have had opportunity for ascertaining those facts. These are not strictly primary sources and are necessarily subjected to a much closer criticism, perhaps used with more doubt in general than are the other classes of sources of which I have spoken.

A contemporary map might be an actual description of what one himself had actually seen. If so, it would come under the second general division that I have marked here. Otherwise it would be under the third.

We might have maps which appear to us trustworthy which would be classified under the fourth of these general divisions which I have given, made by a man who had the reputation of being a careful map maker and seemed to have materials for reaching his conclusions that we do not have. Those would naturally be included under the fourth of these 757 general divisions. I think, however, we should call those sources if they were not strictly contemporary, but nevertheless of the general character I have described. It must be confessed when we get over into the fourth of these divisions our classification is somewhat loose and I think that is true generally of the writers on this subject.

Having in mind the method of historical study and research which I have briefly outlined, and having in mind my experience as an investigator of historical subjects, I would state as the method that the historian would follow in seeking to ascertain whether or not a certain river, the Desplaines river for instance, was at any time used for purposes of trade and commerce, as a historian I should myself use the well recognized secondary authorities, first in order to get my general bearings and get the assistance of reference and other guidances of that sort. Then I should proceed to examine the accounts of men who had actually used the river as a route of trade and commerce, if any such could be discovered. I should also endeavor to discover statements by contemporaries concerning the use of that river even if they had not been actual users of it themselves. I should examine the maps and the gazetteers and the books of travel written or prepared by persons on whose general judgment and observation I felt I could rely.

758 As to classifying different books as accurate and inaccurate, and rejecting any of them with reference to determining whether each one was accurate or inaccurate, I would say that the historian commonly does not classify books in that way when he is endeavoring to establish a historical fact. Nothing is better established than that a single primary source may be trustworthy in some respects and untrustworthy in others. If the matter was in doubt he would subject the source to various tests and see whether there were any reasons for doubting one portion and accepting another. When I said "on which I could rely," if a person is well known as a careful writer, if he appears to have a capacity for careful observation, his conclusions are naturally accepted with more force than if he appeared to be a careless observer or writer. But the statements of a person who is guilty of inaccuracies are not necessarily rejected if they appear on the whole to stand the test of the examination.

As to the standing of county histories, I should say that there are all kinds of county histories and town histories. Some of them are of the very highest quality. In general, however, the writer of a county or town history is not a 759 trained historian and is likely to accept, or is not unlikely, let me say, to accept facts without the careful examination that the trained historian would accept them under. At the same time, those writers have access to a kind of material which the general historian cannot have access to and in many respects these town histories include material that is strictly source material and which the historical student necessarily uses and often uses with gratitude to the writer of these books. So that, in making a historical investigation of a given subject, I make use of incidents which I find referred to in material of that kind, giving to a particular reference the weight to which from all the circumstances it appears to be entitled. So that with reference to a particular statement that is found in the books there might be a distinction between the weight given to that statement and the weight given to the book as a whole.

Whereupon counsel for the government made the following statement:

> "Now, I am about to direct your attention to certain particular historical authorities; the books are here, but the particular portions to which I am directing your attention are found in the transcript of the testimony of Professor Alvord, who has already testified in this case, 760 and to save time and for convenience I am going to ask you to refer to the particular passages as they appear in that testimony, and for the purpose of each one of the questions which I am about to put to you I am going to assume that the passage from these different books are correctly transcribed in his transcript of the testimony. I am merely asking you to use this so that we may proceed more rapidly than we would proceed if it was necessary for you to find those passages in each one of the volumes."

Professor McLaughlin (continues): Directing my attention first to Charlevoix, direct testimony, page 134, I have read and studied that passage.

Q. Please state, as one who is experienced in the line of historical research, what light, if any, that particular authority throws upon the subject of the use of the Desplaines river for commercial purposes?

Objected to as incompetent, immaterial and irrelevant and not a matter upon which the conclusion of the witness is pertinent; and that such light as is thrown on the matter appears from the excerpt itself and is not to be added to by the testimony of a witness on the stand.

761 Q. Answer the question and analyze that authority for us in the light of the methods of historical research about which you have testified.

Whereupon it was understood that there was to be a line of this character of questions and that this objection would be had and taken to each one in this line.

A. The passage here dated: "Fort on the River St. Joseph, September 14, 1721":

"Madam: It is now three days since I set out from this place for Chicagou, by coasting along the south shore of Lake Michigan; but we found the lake so stormy that we resolved to return hither and to seek out some other way to reach Louisiana. Our departure is fixed on the 16th, and I am going to make use of this delay of two days to continue my account of the customs and traditions of our Americans."

Also another passage headed:

"Source of the River Theakiki, September 17, 1721.

Madam: I believe I gave you to understand in my last that I had two routs to chuse, in order to gain the country of the Illinois; the first was by returning to lake 762 Michigan, coasting along the southern coast, and entering the little river of Chicagou. After ascending five or six leagues up this river, there is a passage to that of the Illinois, by means of two carrying places, the longest of which is not above a league and a quarter; but being informed that at this season of the year there is not water sufficient for a canoe, I have taken the other route, which has likewise its inconveniences, and is far from being agreeable, but it is more certain."

It appears to me as being the inevitable conclusion from these documents that the route by way of the river of Chicagou and the Desplaines river was a known route at that time, at the time of Charlevoix; and one which he preferred to take if he could do so. The longest of these carrying places was not above a league and a quarter. That indicates that the river which he had in mind was very close to the Chicagou river, by which he expects to go.

Referring to the authority of Thomas Hutchins, and having in mind the methods used by historians to which I have testified, and my own experience in such research, I would
763 say that Thomas Hutchins was a well known geographer. He held the position, if I remember rightly, as the first geographer of the United States, and he knew the western country very well; having traveled the western country officially I should lay very great weight upon any statement coming from Thomas Hutchins as any historian in my judgment would. He says among other things:

> "The Illinois river furnishes a communication with Lake Michigan by the Chicago river, and by two portages between the latter and the Illinois river, the longest of which does not exceed four miles."

This appears to me, upon the evidence of an eminent authority, to indicate that at that time there was a route used because otherwise the word "portages" would not be used; and that it is a route from the Chicago to the Desplaines river or back the other way.

Referring to the manuscript of Hugh Heward, which is said in the direct testimony to be a copy of an original manuscript in the possession of Clarence M. Burton of Detroit, whom I know personally to be a very careful historical student and collector, the excerpt from the manuscript reads as follows:

764 "Wind at southwest inclining from land. Loaded and set off. Our course in a bend nearly norwest. Strong wind from south southwest, but we recover a little, it being off the land. Arrived at Grand Calmanuck and afterwards at Little Calmanuck, the course norwest. From there arrived by a north course under sail at Chicago, under reefed sail, the wind blowing strong and in blasts. Missed the entrance of the river and were obliged to go about a mile past to land."

I do not know that it is necessary to read the whole of this excerpt in order to get at the point which I want. The point on which one would naturally lay stress or of which he would take particular notice is this :

> "From thence passed in the run and small lake to the river DePlain, and course turning nearly southwest. A very wet afternoon and heavy thunder. Arrived at the river DePlain, said to be 15 miles, and encamped.
>
> Set off from the river DePlain which runs from the north. Our course down the Illinois River southwest

past Lacroix and after Les Arbre—and a pass that goes in a small lake to the southeast," etc.

I don't think it is necessary to read the whole passage; 765 it is perfectly clear in my mind from this passage that the Desplaines river was used by this man Heward in the course of this trip. Assuming that this manuscript is in the possession of Mr. Burton, as to how this account of Heward's would rank as a historical authority, and what influence it would have in reaching a conclusion, I would say it would be considered a source of the very highest quality and would necessarily have great influence in reaching a conclusion as to the use of the Desplaines river. It bears characteristics of an unconscious source, meaning by that that it was not written for the purpose of conveying information concerning the use of the Desplaines river, and therefore need not be subjected to the various tests to discover whether the writer was writing under prejudice or passion or various other influences of that kind which might cause him to be mistaken or cause him intentionally to deceive.

766 Referring to the book by Darby, which is found on pages 237, 240 and 242 of the transcript, I would say that I have read the entire passage. The portion of the passage which I noticed especially was this:

> "The latter stream is formed towards its source by two branches, one of which rises south of Lake Michigan, and the other (river Plein), rises in the flat country west of the Chicago, and flowing south, unite to the southwest of the extreme south part of Michigan. The Chicago heads in the same plain with the river Plein, and winding for some distance parallel to the latter stream, thence turns east, falls into lake Michigan."

However, I noticed especially the note in this that ap- 767 pears here, the copy from an article which appeared in the St. Louis Enquirer. The whole note is of importance in reaching a conclusion, but I have especially noticed these words:

> "In high water, boats of ten or a dozen tons, pass without obstruction. In the dry season, they are unloaded, placed on vehicles, and drawn by oxen over a portage of a few miles, and launched into the river or lake, as the course of the voyage may require. Hundreds, nay thousands of boats have been seen at St. Louis which had made a similar passage."

Here we have a statement by a contemporary of a general condition of which he apparently had personal knowledge as far as it at least could be based upon the arrival of boats at St. Louis, and the reputed journey. Taking all of the passage together this appears to me to be very influential evidence to lead the historian to believe that the river Plein was used in connection with the Chicago as a route for trade and commerce in the early part of the nineteenth century at least. I have attempted to test this passage by the methods which you apply for the purpose of determining whether there was
768 any motive to make an erroneous statement or not and I
cannot see that there would be any reason for a misrepresentation or mistake. It would be unnatural, in my judgment, that a newspaper in a comparatively small place would make a statement of this kind which could easily be known to be untrue by at least a great many citizens of the place, without any particular investigation, if it were wholly without foundation. I cannot see any influence coming from prejudice of the people of St. Louis in reference to this particular water route, inasmuch as St. Louis was in a very advantageous position on the Mississippi near the Missouri and the Ohio, furnishing that city with unusual means of communication with the east and the south for the transportation of its commodities. Subjecting, therefore, this source of such criticism as I may be able to give it, it has with me very great weight.

Directing my attention to the statements of John Kinzie, which appear in the direct examination, page 230, I would state that I have made an examination of these passages.
This statement is evidence of a very strong character of
769 the use of this route. It says:

> "As the navigation of those waters will in a few years become an object of great importance to the U. States as at present boats of several tons burthen can pass from Lake Michigan into the Mississippi River there being only four and half feet difference in the elevation of the two waters."

He refers to the fact that the Illinois country is the key of communication and has command of the trade of a vast territory. Written by a man who was on the ground and who knew the situation as Kinzie did, I should consider a source of this kind as of the very highest quality next to an absolute survival.

Directing my attention to the passages from Hubbard,

which are found on pages 266, 269 and 272 of the transcript,
I would say that I have examined these passages and have
also examined the passage which appears upon page 136 of
Hubbard's life, which appears in the cross-examination of
Professor Alvord. As to what these passages, from the
770 standpoint of the historical investigator, tend to estab-
lish with reference to the question under consideration
here, I would say that we have here a source which is dis-
tinctly a primary source, an account by a person who actually
used the Desplaines river and therefore would actually receive
great weight. It is not an unconscious source and was writ-
ten some years after the event, therefore would be examined
somewhat more critically than other narratives might be.
After a critical examination, I see no reason for believing
that it is not to be accepted at its face value, showing that
Hubbard made the trip down the Desplaines river, though
with some difficulty, and on his return passed up the Des-
plaines river and through Mud Lake into the south branch of
the Chicago and on to Chicago without portage. I mean with-
out portage at the ordinary place of portage.

There is a passage here in the incidents and events in the
life of Gurdon Saltonstall Hubbard which also refers to the
use of the Desplaines river. It appears from this that the
ordinary method of passage, though as he says, "long and
tedious," was through Mud Lake into and down the Des-
771 plaines river, and that in order to reach regions more
directly to the south of Chicago, he himself introduced
the practice of carrying the products overland. But, for the
immediate question in hand, the important point is the rea-
sonable conclusion in my judgment that the passage by Mud
Lake into and down the Desplaines river was an ordinary,
772 well known passage that had been used and was in use
at that time. That appears at page 136 of Hubbard. It
referred to the establishment of a trail by land, as well as to
the water route. On page 150 of that Hubbard book there is
a passage which refers to Governor Cass. I have examined
that passage. I have stated in answer to the preliminary
question that I had made a study of the life of Governor Cass,
that I wrote an article on Governor Cass and also a book.
The Life of Governor Cass that appears in the American
Statesman series is my book.

773 Q. Read that passage in the light of what you know
about Governor Cass and point out to us the weight to
which you think that is entitled to in helping us to reach a

conclusion concerning the subject which we have under inquiry.

Objection to asking witness to make his deduction in the light of what he knows otherwise about Governor Cass which is not a part of the record or upon which it would be impossible to cross-examine him.

A. I should prefer to confine my testimony to the statement that is here, because I do not know now the source of the material which I used in my own book in making the statement.

We have here a statement from Hubbard to the effect that Governor Cass came by Chicago; that he had gone down the Mississippi up the Illinois, up the Des Plaines through Mud Lake into the south branch of the Chicago river, thus reaching Chicago. I notice also it says that this trip from Green Bay was performed in about thirteen days. My conclusion is that Governor Cass did use the Desplaines river in that trip, a very hurried trip, showing the ease with which the Desplaines
774 river was used at that time under those circumstances.

In my investigation of the facts relating to the life of Governor Cass, before this present subject had ever been suggested to me for consideration, I knew that Governor Cass had made this trip in general and in my mind that gives weight to this evidence here, if any weight is needed.

Directing my attention to the passage from Schoolcraft, which appears at page 331 of the transcript, I would say that I have made a prior examination of that passage. With reference to the reliability and accuracy of the statements made by Schoolcraft, I would say that Schoolcraft was a man of very unusual intelligence, very unusual knowledge of the west, and considerable scientific attainments. I doubt myself if any of the men who went over the west were superior to Schoolcraft and I doubt very much whether any of the men early in the nineteenth century knew it so well or better per-
775 haps, I might say; knew it better. A statement coming from him, being consequently, as I say a statement from a scientific observer, a man who had an opportunity to know the general situation and to talk with all kinds of people, to know the general reputation concerning the course of trade and business would have very great weight with me as a student and investigator of history. Analyzing the passage from the standpoint of an expert historical investigator and explaining how it throws light upon the subject of investigation, he refers to the interlocking of rivers and portages with the

lake, and in that connection says: "By the Illinois and Chicago creek (with Lake Michigan)." He also says:

> "The routes by the Illinois, and by the Wisconsin, were first laid open by French enterprise, and have been used for canoes and flat-bottomed boats in their natural state, and without any practical improvement which as yet facilitates the communication, about a hundred and sixty years."

It also speaks of their being very well known as routes. Inasmuch as he speaks of the interlocking of rivers and portages being a very well known route, and refers to the Illinois and Chicago creek, I conclude that he means the route by the Chicago and the branch of the Illinois which had, as he observes, been used for a great many years.

776 As I have said, this statement has a very great influence upon me. He knew from talking with persons about the conditions as well as from actual examination of the ground. He knew from his own investigations and studies what the course of trade was, and while of course he is not speaking as a primary authority, from his own knowledge when he says the French had used that for 160 years, a statement coming from a man situated as Schoolcraft was, would be very strong evidence to me, to my mind, of its long and continued use as a route of trade. In my answer I referred to the branch of the Illinois. I had in mind when I used that phrase the Desplaines river because he speaks of the interlocking of the rivers and portages with the lake and the first of those that he mentions was by the Illinois and Chicago creek.

Directing my attention to a statement from Forsyth, which is found on page 220-224 of the transcript, I would say that we have here a source which I should call of the very highest quality because it is a survival, it is a relic of the past itself. That is, it is a table of distances apparently prepared for convenience in using the route as a trade route. He speaks of the distance of the fort, the forks of the Illinois, to Mount
777 Joliet, to Dry Trees, to the portage, across the portage, to Chicago. He also says:

> "The Ottawas of Lake Michigan in their birch-bark canoes can be very easily brought down by way of Chicago and the Illinois river,"

indicating to my mind again the use of this route. The table of distances to which I have referred would be put into the classification of unconscious sources.

Now, turning to the extract from Major Long, which appears on pages 246 to 252 of the transcript, examining that from the standpoint of the historical investigator and explaining what evidence we find in it concerning the use of the Desplaines river, I would say that there is a direct statement to the fact of the use. I refer especially to the paragraph in which he says:

> "In the flat prairie, above mentioned, is a small lake, about 5 miles in length, and from 6 to 30 or 40 yards in width, communicating both with the river Desplaines, and Chicago river, by means of a kind of canal, which has been made partly by the current of the water, and partly by the French and Indians, for the purpose of getting their boats across in that direction, in time of high water.
> 778 The distance from the river Desplaines to Chicago river by this water course, is about 9 miles; through the greater part of which there is more or less water, so that the portage is seldom more than 3 miles in the driest season; but in a wet season, boats pass and repass with facility between the two rivers."

The canal that is referred to there I would speak of from his standpoint as a relic; it is not a relic to us because we have not the relic. The fact that this report is an official report by an officer of the government adds to its weight, and this was an official report by a government officer making a special investigation of general geographical and topographical conditions in the west and therefore comes with greater force. I know of no circumstance under which this report was made which would indicate any purpose or intent to color the statement, having been unable to discover any.

Turning to the Graham and Phillips report, which appears on page 255 of the transcript, I would state that I have 779 examined that. Analyzing it and characterizing it with respect to the weight which in my opinion as a historian it is entitled, I would say this is a source of weight because it is an official report; also because it comes from a man whom we should judge to be capable of making proper observations regarding what he had actually seen. I believe that this man Phillips was later a judge of the court of Illinois and the historical student does not often have opportunity to rely upon the intelligent account and observation of men of this kind. Therefore, it naturally has considerable influence in my mind.

As to his statements, I notice he speaks of the heads of the Desplaines river and the Chicago river and that between the heads of these two arms is also a gutter, which is dry in the dry seasons of summer and fall, and full of water in the spring, and, when thus filled with water, the boats, of six or eight tons, engaged in the Mackinaw and Mississippi trade, run through backwards and forwards, so as to make no portage between Mackinaw and the Mississippi. That is the most salient portion of that excerpt. I might also call attention to the fact that he says:

> "This gutter, judging from the appearance of others
> 780 now forming, was at first a path worn out by the feet of those who carried things acrossed the portage and afterwards deepened by the attrition of the water, until formed into a little canal."

Those passages which I have read are, in my mind, very strong evidence reaching almost a proof, if not quite, that this route was a well established route of trade and communication. I am speaking of that passage itself without regard to any other passage, standing alone.

Referring to the extract from Keating, which appears on page 292 of the transcript, I would say that this statement comes from a professor of mineralogy and chemistry, as applied to the arts, in the University of Pennsylvania; a man, therefore, who is capable of making an observation and of telling what he has seen. He came to Chicago, he examined the connection between the Chicago River and the Desplaines, finding it to be somewhat difficult. He says:

> "Although at the time we visited it there was scarcely water enough to permit our pirogue to pass, we could not doubt, that in the spring of the year the route must be a
> 781 very eligible one. Lieut. Hopson, who accompanied us to the Desplaines, told us that he had traveled it with ease, in a boat loaded with lead and flour."

That seems to be a very direct testimony; a man who had examined the circumstances and a very direct statement of what he had been told by a person who had used this route himself. The statement by Keating would be received as of considerable force and value, and his repetition of what was told him would be accepted by the historical investigator. As to what there was that shows it was more than a mere casual observation, I would say that it was a careful scientific investigation. This man Keating was a historiographer to the expenditure ordered by the Secretary of War of the United States under the command of Stephen H. Long. It was therefore an official statement made by a man who appears to have been selected for the purpose of studying and reporting upon what he had actually seen.

Turning now to the passage from Childs found on page 278 of the transcript, I would say that this is a primary source, a statement by a man who actually made use of the Des-
782 plaines and Chicago river as a route. It was written several years after the event, but there appears no reason for doubting the narrative which he there makes. He went up the Illinois River to the junction of the Kankakee and the Aux Plain, as he calls it, and then up the Aux Plain to where I supposed we had to make a portage to the Chicago River. He says:

> "I couldn't see any signs of the portage. There had been heavy rains for several days, which had so raised the streams that they overflowed their banks. I concluded that I had gone far enough for the portage, so I left the Eau Plaine and took a northeast direction. After traveling a few miles, I found the current of the Chicago River. The whole country was inundated; I found not less than two feet of water all the way across the portage."

Here is the statement of a man who made the trip, and I see no reason for not accepting that statement at its face value. I find no motive or purpose apparent for misrepresentation of the fact there stated.

Turning to Drown's history of Peoria, which appears at page 301 of the transcript, I would say that I have exam-
783 ined that. The excerpt which I have specially examined is taken from a town history which bears on its face the appearance of having been written by a person who was on the ground, who knew the general condition and had the opportunity to talk with old settlers and get their stories. It
784 appears that he himself knew the general situation in Old Peoria. There are certain things about this excerpt which would indicate to me very positively that he was a man of antiquarian instinct and capacity. The statement here which is of special interest is of the fact that a Mr. Hamlin, in 1825, used keel boats as far as the mouth of the Kankakee and from there used Durham boats to Chicago; "having built a storehouse at the former place to store in from the keel boats, to be taken by the Durham boats up the Aux Plain river." A statement of that kind taken absolutely alone might possibly be taken with doubt or subjected to very rigid criticism, but it belongs to a class of evidence to which the historical investi-

gator of Western American history continuously refers and continuously uses.

Turning to the passage from Flint, which appears on page 323, I would state that I have examined that authority. In reference to the weight to be attributed to it in reaching a conclusion on this subject, I would say that in the first place I should say anything coming from Flint has weight with the historical student of western affairs because Flint was a well known student of western conditions in his time, traveled
785 very widely, published very widely. His books are one of the staple sources of information which the historical student uses. He was in a position to know what he was talking about, and therefore the historical student takes his information as of great value. He says in a portion of the passage which is here given on page 327:

> "We have already remarked, that at certain seasons of the year, boats of five tons burden already pass through the morass, from one extremity of which the waters are discharged into the Chicago of Lake Michigan; and from the other into the Plein of the Illinois; thus furnishing a natural communication between two rivers, whose outlets are so wide and opposite from each other."

Taken in connection with the whole passage it indicates to me the use of the Chicago-Desplaines route as an avenue of commerce.

Referring now to the period from the time of Charlevoix to the year 1825, and basing my answer upon the sources of historical information to which my attention has been specifically directed, assuming that as a historical writer I was preparing a history of Illinois, concerning the use of the Desplaines
786 river, I should say that the Desplaines river was used with apparently considerable frequency as a route of trade and commerce; that at certain seasons of the year it seemed to have presented some difficulties, other seasons of the year it was used with considerable ease, and that it was a well known means of communication between the lake region and the lower Illinois and Mississippi.

I know Mr. Alvord who testified in this case. I have had occasion in my extended historical work to come in contact with his work.

Q. Do you know anything about his standing among historians and his reputation for carefulness and accuracy in his observations?

Objected to as incompetent, irrelevant and immaterial.

A. Professor Alvord has a very good standing among scholare of American history, being especially familiar with the conditions in the west in the earlier times; and above all the history of Illinois and the immediate neighborhood. He ranks with Professor Turner and Professor Thwaites, or Mr. Thwaites, Doctor Thwaites, as among the best known
787 writers and investigators of western history.

McLaughlin. Cross-Examination.

788 Q. Having reference to the period from the time of Charlevoix, you state that based on the sources which your attention had been specifically directed to, it was your opinion that the Desplaines river was used with apparently considerable frequency as a route of trade and commerce, those historical sources referred to were accounts of certain specific journeys, being those of Charlevoix, who did not go down the river for the reason, as he gave, that he was told it did not have sufficient water to float a canoe; Heward, who went down it and who, after having arrived at its mouth, was informed by one of his men that he would not return because the dangers were too great; Hubbard who went down it and in the report referred to by you says that from Isla La Cache they were forced to carry their goods most of the way on their back, these being the journeys down, and Hubbard, Cass and Childs who came up and crossed into the Chicago river without the use of the portage in the spring in time of flood; if, in the data or historical sources to which you have referred, nothing further had appeared than is contained in the reference to these journeys, what conclusion, if any could you draw as to the use or availability for use of the Desplaines river as a route for trade and commerce?

A. Confining my attention to these specific journeys referred to, and basing my conclusion on the whole passage and not simply on the words I picked out as especially significant which had to be read in connection with the whole passage, should say these passages indicated that this was a well known route, which, at times of the year presented some difficulty, but, nevertheless was an ordinary route between Lake Michigan and the Illinois and Mississippi.

790 I arrived at that conclusion from all the excerpts, the whole of these passages. In reaching an absolute conclusion as to the character of the trade or commerce which was or could be carried on on that river, I should naturally

desire more material than is presented in just these particular references. Narrowing the deduction to that drawn from these references, I should reach the conclusion that the fur trade in canoes—that canoes could be used and were used as a means of trade and communication on this river and that in every season of the year is was an eligible passage. Do not remember anything in these passages which would show that these persons actually used anything except canoes or small boats. My remembrance is that the passages are not distinct on that point as to what kind of boats they used.

Q. Is it not true that several of the passages are entirely distinct and state what kind of boats they used, as in the Heward passage they used a pirogue?

A. Governor Cass used a birch bark canoe.

I don't know what a pirogue is. It would be important to know what kind of boats were used in arriving at a conclusion as to the extent to which the river could be used,
792 based upon narratives of its use. As to whether there is
any reference in any of the narratives of the actual use of the river that I have referred to by any boats which could not be picked up and carried by hand in the Hubbard narrative, I should judge boats were used that were not those easily carried or portaged by that method. Judging from the fact that Hubbard says, "our empty boats were pulled up the channel," they were pushed along, "that it was by united effort constantly jerking it along so that from early dawn to dark we succeeded in passing only a part of the boats through the Aus Plaines outlet where we found the first hard ground," referring to the passage from Chicago to the Desplaines river. That completes my answer. There may be other evidences in these passages but that answers the question, as you ask if there was any. I think there is no other. As to whether there is evidence that boats by which the traders came to Chicago could not proceed down the river, in the passages I have referred to in your former question (not referring to Charlevoix), there is the evidence that Heward obtained the pirogue here at Chicago to make the trip. The boats in which he
793 came down the lake, which are called in his narrative
"canots" were left at Point Sables. Point Sables was the person residing at Chicago who had things for sale. I have made no detailed study of the early history of Chicago, meaning the country which was the site of the present Chicago. To make an additional statement in connection with an earlier answer will say, the fact that in spite of the difficulties that

Hubbard had, he came by the same route, was a strong indication to me that he considered it a natural and well known route to follow. As to whether I know of any evidence of anybody ever coming back by the Chicago-Desplaines route at any other time than in the spring and time of flood, from 1773 to 1911, I should judge that Governor Cass had come 794 up the river in 1828, at a time when there was not a flood. He came up in September. As to whether I think there was no flood when he crossed there without having to make a portage, I must answer on general principles that there is nothing said about a flood and I should not judge there would be a flood in September.

Q. Would you deem it necessary, in order to come to a conclusion on a matter of that kind without consulting other sources than the some fifteen references which have been given you here, extending over a period of a hundred years, to go beyond the hundred years if, for instance, it should appear that elaborate surveys had been made of the river with a view to determining its capacity for use, and if the country had become settled and it was open to you to ascertain the use or non-use of the river by setlers, farmers, etc., before railroads had come into existence, would none of those things be sources to which you would go to ascertain as to the extent and capacity for use of the river as an avenue of trade and commerce.

795 A. I should think after I had such evidence as I have given in my direct testimony, that the fact of the use of the Desplaines river was established by historical sources.

Q. We are going further than the mere fact of the use of the river. You have testified to its use as an avenue of trade and commerce. I ask you this question: If it appears that from the time of the earliest settlers the persons who came in to take up the country as a place of abode for themselves and families; before roads were laid out and before railroads were built, that no settler can be found, after diligent search, who came in by the Desplaines route (I include all settlers who lived upon its banks) or went by that river to the Illinois, that no settler ever brought his produce to market over the Desplaines river to Chicago; that it was all carried between the head of navigation on the Illinois and Chicago by wagon; that there is no record or any judge or lawyer going around the circuit using the Desplaines river, or any clergyman or any traveller having used it, would not those facts have a bearing and would they not have to be taken into account in arriving at a conclusion as to the extent and character of the use of the river as an avenue of trade and commerce?

Objected to as not proper cross-examination, and on the further ground that it is a hypothetical question and includes elements not warranted by the proof in this case.

A. Such facts would not shake my confidence in the conclusion I have reached as to the use of the Desplaines river.

Q. That conclusion being that it offered a route for trade and commerce, used with considerable frequency as a route of trade and commerce; at certain seasons of the year it seemed to have presented some difficulties; at other seasons of the year it seems to have been used with considerable frequency, and is a well known means of communication between the lower Illinois and Mississippi river. I gather then, without regard to what may have been the reports of the engineers who examined the river with a view of determining its capacity for use, and without regard to any of the history since the discovery of the river down to the present time, from these mere sources which have been called to your attention, you would still be of the opinion which you have expressed here?

A. I refuse to answer that question, for the simple reason that it includes conditions that are quite contrary to my statement in my former testimony.

797 The particular thing to which I have reference is, you say, without any regard to the use of the river. My direct testimony included the statements of men who were on the ground and who had the very best opportunity to judge concerning the use of the river at that time and in the past.

Q. The misapprehension is yours. I have stated in the question leading up to this one that it is based upon some fifteen sources; I have, therefore, included not only the few I first gave you but every reference to that you made in your direct examination. With that understanding, would you answer the question?

A. The sources which I have used in my former testimony establish in my mind the conclusion which I stated in my direct testimony.

I have not generally examined other parts of those sources which I referred to on my direct for the purpose of determin-

ing the weight which should be given to them. I do not
798 think that to arrive at a scientific conclusion it would be
necessary to do so with the general information as to the character of these persons and the nature of the material which I have brought to my study as a historical student and scholar. I say that at certain seasons of the year the Chicago-Desplaines route seems to have presented some difficulties. I consider that a justifiable conclusion and an accurate statement of the facts, as shown by the sources to which I have referred.

Q. If, as a matter of fact, some of those sources show that at certain seasons of the year it could not be used at all, do you think this statement would be a fair and accurate conclusion, or rather, the statement implies, does it not, that it was an established route of trade and commerce throughout the year, but at some periods there were some difficulties?

A. It seems to imply that. It is possible that that phrase is somewhat indefinite.

I do not think I can make any more exact what my
799 conclusion really is. It is accurate and scientific to say
that a river or a route of travel at certain seasons of the year presented some difficulties when, as a matter of fact, it was impossible to be used at all at certain seasons of the year, because the answer is on the side of caution rather than on the side of overstatement, and that is scientific. Being asked whether I mean I have rather understated the facts as to the difficulties than overstated them, would say I used some indefinite words as to the difficulties of navigation.

Q. You have already said it implied it was capable of use throughout the year. It is should appear that the sources referred to, and relied on by you showed that for considerable periods of the year it was not capable of continuous use, is it not inaccurate and unscientific to say that at certain seasons of the year it seems to have presented some difficulties, without saying that at other seasons of the year it could not be used at all?

A. If the sources which I have used definitely establish that fact, it would be scientific to state the definite facts which the sources establish.

Q. Your answer indicates, or implies that it was usable throughout the year for the uses of trade and commerce, at some seasons of the year with considerable ease, at others it seemed to have presented some difficulties. Is it a fair statement, or fair description of a condition which does 800 not permit of the use of a route to say that it presented some difficulties?

A. I think it would be an overcautious statement to say that a route presented some difficulties of the evidence was conclusive that the route could not be used.

COUNSEL FOR DEFENDANT. Please read the question, and I ask that the witness answer the question as asked.

(Question read.)

A. I could answer the last part of that question but not the first without making a supposition concerning the intent of the contents of these sources, which I do not believe they established.

Answering the last part I do not think it would be a fair statement to say that a river presents some difficulties at certain seasons of the year when the evidence is satisfactory and complete to show that the river could not be used at all at those seasons of the year. When in my direct testimony 801 I ranked Phillips as an authority of the highest credibility I think I did know of the fact, that in his report he said that "The Plein during half of the year, does not contain water enough to float a boat."

Phillips says:

> "That of the river being, in high water, from four to six feet deep, and, in places, a mile wide, and, in low water, either dry or reduced to a gutter."

He also says, later on:

> "Supposing that evil remedied by a lock to lift vessels into the Plein, yet the Plein during half of the year, does not contain water enough to float a boat, and so could not become useful as a National highway."

Charlevoix says:

> "But being informed that at this season of the year there is not water sufficient for a canoe, I have taken the other route."

802 That is September 17th, the date of the letter. In view of these passages I am still of the opinion that upon the data I referred to it was a fair statement to say that at other seasons of the year this route for trade and commerce seemed to have presented some difficulties. As to whether I have any reason to deduce from what Phillips says anything to the contrary of the fact that the river for half of the year was dry or had not water enough to float a boat, he says:

"It does not contain water enough to float a boat", and he says in another passage

"either dry or reduced to a gutter."

Basing my reply on Phillips' statement I should say that it presented some difficulties. It might still be possible to use the Desplaines river for canoes or for small boats even in the dry season. I would not dare say that from that excerpt the Desplaines river could not be used during any considerable portion of the year. There is no affirmative testimony in the report of Graham and Phillips to the effect that the Desplaines river could be used at all during certain seasons

803 of the year. I read all of Phillips' report before I drew my conclusions but I cannot refer to the specific statements presenting further evidence as to the character of the river in winter and summer, that at another season of the year the portage was fifty miles. Phillips, page 258, says:

"At another season of the year a portage of 50 miles from the mouth of the Plein to the lake."

From the mouth of the Plein to the lake, the junction of the Kankakee and the Plein, I suppose, to the lake.

Q. In view of the fact that Phillips used the word "boat," it not being defined as to what he meant by it, you still draw the conclusion that it did not establish that it could not have been used for very small boats. Do you find anything to indicate in the last paragraph to which you have referred what kind of boats he was talking about?

A. He must have referred there to very small boats but that does not indicate to my mind that the river could not be used for canoes for carrying on the fur trade even during the dry season.

804 Basing my conclusions upon all the sources I have used, I think it would be a reasonable conclusion that during certain seasons of the year this route could only have been used for small boats of fur traders or such small boats as fur traders might use, if at all. My knowledge of the capacity of those canoes would be very inexact. Cass came up that stream in a canoe manned by thirteen men, in September, that would mean naturally over a ton and I should suppose that the boats that were used commonly were not far from

805 that capacity. Phillips specifies in tons the character of the boats he is talking about. He says:

"When thus filled with water, the boats of six or eight tons, engaged in the Mackinaw and Mississippi trade, run through, backwards, and forwards so as to make no portage between Mackinaw and the Mississippi."

806 And turning to transcript, page 258, I find that these portages that he speaks of as extending at certain seasons uninterruptedly, then a portage of two miles, of seven miles, and then of fifty miles, are all with reference to small boats of six or eight tons burden. In my use of the term "trade and commerce" in my conclusion, I included such traffic as can be carried on in small boats or canoes of less than six or eight tons burden. I included any traffic in a boat, no matter how small. If it be true that during certain seasons of the year a portage of fifty miles was required for boats of six or eight tons burden, it would follow, in my judgment, that if the stream was capable of use during that period for any boats, it must have been used for boats smaller than those of six or eight tons burden. Explaining my answer with reference to the whole of this passage from Phillips, in the first place I notice that this statement of Phillips was at a comparatively late time. It gives evidence as to what the situation was at that time after the establishment of a well beaten wagon road, which was likely to be established only after the income of settlers; this was after the admission of Illinois into the
807 Union. It was not at all impossible that at an earlier time the Plein was used for boats engaged in trade, and at least a portion of it was engaged in this trade between the lakes and the lower Illinois and the Mississippi through a portion of its course, even during the drier seasons of the year. That is my complete answer.

Q. Then in explaining it and with the expressed idea of indicating that there may have been a use in earlier times before settlement, you have based that explanation upon the fact that settlements and well beaten road had made a change in the character of the travel. When was that article or report of Phillips made?

A. This letter is dated Kaskaskia, April 4th, 1819.

In a general way I am familiar with the character of the settlements at that time in the country between the Illinois river and Chicago. It was not very thickly populated.
808 Whether, as a matter of fact, there were no white inhabitants from what was known as Fort Clark to Chicago as late at 1821, I don't know. It is not true that my answer or explaination is based upon a condition that did not exist. I know Schoolcraft. I do not know the passage wherein he said that in his journey in 1821 there were no white inhabi-

tants between Fort Clark and Chicago, nor would a traveler be led to presume from the present appearances that the French had built forts and erected chapels in this region of the country more than one hundred years ago. Schoolcraft would be likely to report the fact accurately.

Q. You have assumed that the well beaten wagon road grew out of the settlement of the country. Is it not a fact that the wagon road referred to was not to serve the purposes of any settlers in that portion of the country, but was for the purpose of a portage between Lake Michigan and the Illinois river and because of the necessity of a portage?

A. I should suppose from my general knowledge and from the fact that you read that there was no need for such a wagon road for the settlers between the mouth of the Desplaines river and Chicago; but there were, of course, settlers further to the south, and I had those settlers in mind when I was thinking of the peopling of the country. The early settlers of Illinois largely came up from the south. The southern half of the state in general was settled first. I don't know how far north they had come by this time, 1819.

As to whether or not I know of any river which in those days was susceptible of use by the early settlers, the use of which was abandoned for wagon roads, would have to make my answer very indefinite to that, based on my general knowledge of history, do not know definitely of any such abandonment.

Q. Do you know that up to the time the railroad was built through this country, or rather up to the time the canal was opened, the Illinois and Michigan canal, that traffic coming from the south came as far as it could on the Illinois river and then was brought overland to supply the country along the Desplaines river?

> Objected to as not proper cross-examination and on the ground that the question here is whether the river was actually used, and the fact that something else was used does not tend to throw light on the question of whether the river was used or not.

810 A. No. I know nothing about that.

As to whether I consider that a fact of any significance as to the availability of this river for use, would say, as a matter of fact, counsel for complainant has stated just exactly the answer that was in my mind.

Q. With reference to Philips, you have said that he was speaking at a late date; you had in mind, did you not, your explanation of his statement that he expressly referred to the route as followed by the French since the discovery of the Illinois.

A. I had that in mind and have it in mind.

Have said that notwithstanding that it might be that in the early days the French and the early traders might have been able to use it for canoes the year around. The way to 811 test that would be to get the sources that are available.

As to whether I recognize St. Cosme as a source I don't know St. Cosme. I made no very satisfactory study from the sources of the early travels in this country, the early explorers. I should like to explain my answer, in reference to this statement of Phillipps which I thought you were going on with.

Which request of witness was refused by counsel for defendant at that time.

Q. Assuming that St. Cosme is a well recognized source as to the early history of this section of the country, that he is the St. Cosme mentioned in Early Voyages Up and Down the Mississippi, by Cavalier St. Cosme, and others by Shea, and that he is an unconscious source; that his voyage was made in 1699 and that he wrote at the time, and that he said of this river there was no water in this river except in spring; assuming all that I have assumed in that question, what light would it throw upon the tenability of the hypothesis that you had made as to the use in early times,—as to its avail- 812 ability for use throughout the year, as against it being available but with some difficulties?

Objected to as not proper cross-examination and on the ground that the examination of this witness was limited to the examination of authorities relating to certain specified periods. The question is a hypothetical one and includes elements which are not warranted by the evidence in the case.

Counsel for Defendant. I should not have gone outside of the authorities referred to by the witness on direct, had he not indulged in a speculation and presumption as to the facts in the early history.

A. Answering this hypothetical question, basing my answer only upon information that you give me, and assuming it to be correct, I should say such a statement would have considerable influence in reaching a conclusion as to whether that stream was actually used in dry seasons of the year by the fur traders.

813 Q. Let us go further and assume for the purpose of this question, that La Seuer describing a trip in 1699, said that they left their things at Chicago because there was no water in the river of the Desplaines; that they brought only the canoes loaded with absolute necessities, "which we had to carry for a distance of 15 leagues," this being from Chicago to the Illinois; and returning that "we arrived on Maundy Thursday at Chicago after making 30 leagues by land." It appearing also that "it rained during the last two days of our march"; would that statement from an early traveler recognized as a source, have any effect upon the conclusion that even in those early days the river could be used throughout the year though at times with some difficulties?

Same objection and on the further ground there is no foundation for the question in the evidence that has been adduced in this case, particularly not in the matters with reference to which the witness has been examined on direct examination.

Whereupon the witness requested that he be allowed to go back and make further explanation of his statement with reference to Phillips, which request was granted after some colloquy between counsel.

814 The WITNESS. I should like to say now that Philips refers to the route as Illinois by the French since the discovery of the Illinois, but that his statement as to the difficulties which the route presents or as to the eligibility of the route is at the time he wrote. He says "to conclude, the
815 route by the Chicago, as followed by the French since the discovery of the Illinois, presents at one season of the year an uninterrupted water communication for boats of six or eight tons burthen, between the Mississippi and the Michigan lake; at another season, a portage of two miles; at another, a portage of seven miles, from the bend of the Plein to the arm of the lake; at another, a portage of fifty miles, from the mouth of the Plein to the lake; over which there is a well beaten wagon road, and boats and their loads are hauled by oxen and vehicles kept for that purpose by the French settlers at the Chicago."

In my judgment, that refers distinctly to the time at which Philips was making this statement; and in my judgment the well beaten wagon road would refer to a road that had been made in comparatively recent years, though there is nothing absolutely in this context to establish that fact.

I was asked to conclude from this passage that the river could not be used at various seasons of the year, and thus to change my statement in my direct testimony. I was unable to conclude from the statement made by Phillips in 1819 that the river was not used at an earlier time.

Q. I am now asking you some hypothetical questions based on assumptions, because of your reference to the fact that it might have been used in earlier times, with a view to throwing some light on what was the use and getting your opinions. We have now gotten to La Seuer. Will you answer the question as to La Seuer?

(Question read as follows: "Q. Let us go further and assume for the purpose of this question that La Seuer describing a trip in 1699, said that they left their things at Chicago because there was no water in the river of the Desplaines; that they brought only the canoes loaded with absolute necessaries 'which we had to carry for a distance of fifteen leagues,' this being from Chicago to the Illinois; and returning that 'we arrived on Maundy Thursday at Chicago after making thirty leagues by land'; it appearing also that 'it rained during the last two days of our march'; would that statement from an early traveler recognized as a source have any effect upon the conclusion that even in those early days the river could be used throughout the year, though at times with some difficulties?")

Same objection as previously noted.

A. I think that that would have same effect.

Q. What effect?

817 Objected to as not proper cross-examination. It is obvious that the witness is now being examined with reference to an authority which he does not pretend to have examined and that all the effect it can have is with relation to an authority which the witness referred to and which he made the basis of his testimony. It is clearly an attempt through the witness to cross-examine the authority.

A. I should judge from the statements you have made to me that at that time the Desplaines river at that particular season was not usable.

I do not know what season of the year that was. I did not say at that season of the year in general, but I said at that time, at that season of the year the Desplaines river was not usable, meaning by that, at the time, the particular date.

Q. Then what effect upon the conclusion as to the stream being usable throughout the year would the statement by St.

Cosme that there was no water in the river except in the spring have, assuming that he made such a statement?

818 Same objection.

A. All evidence of that kind would be naturally taken into consideration in any declaration that the river was usable at all seasons of the year.

From the words that you have given me I should think that this particular declaration would not be subject to the comment that I made to La Seuer's, that it was as to a particular specific time of which he was speaking, the statement being that there was no water in the river except in the spring. I have never studied the history and adventures of La Salle from the sources.

Q. Assuming that La Salle, writing in 1682, and referring to this river, and to a proposed canal made from the Chicago river to the Desplaines where now is the portage, had said: "Moreover it would only be serviceable for a short time at most, fifteen or twenty days each year, after which they would have no more water"; and further "the waters being always low in the month of March it would be easier to effect the transportation from Fort St. Louis to the lake by land by making use of horses which it is easy to have, there being numbers among the savages"; taking that into account and assuming that he did so write and particularly that portion
819 in which he says: "It would only be serviceable for a short time at most fifteen or twenty days each year, after which they would have no more water," would that throw any light upon the validity of the conclusion that the stream was usable as an avenue of trade or commerce throughout the year, though with some difficulties?

(Same objection.)

I suppose it would and I have a right to object to being examined upon historical facts which I have not had the opportunity to examine. Other things have to be taken into consideration, than the mere words that a person used. I must base my somewhat indefinite and general conclusion upon a hypothetical question where facts are assumed, and no opportunity for considering the circumstances under which such statements were made, and the conditions under which they were made, and the inflluences that might have operated upon the person that made them.

Counsel for Complainant. It is obvious that all the witness

could possibly say with reference to these authorities to
820 which his attention is being asked is that they are entitled
to examination and to be considered in connection with everything else.

Counsel for Defendant. Possibly my vision is not clear but I see some other things that seem to be perfectly obvious.

Counsel for Complainant. Standing alone it would be perfectly impossible to reach any conclusion, and the witness has not been asked to examine the context, has not been asked to deduce any conclusion from that, and of course if you keep on indefinitely on this line, it is simply traveling in a circle and having the witness say, "Of course this is something entitled to be looked at."

Counsel for Defendant. If I am traveling in a circle it won't hurt anybody but me.

The Witness (continuing): In my direct testimony I did not give the conclusion upon certain excerpts that were submitted to me without any investigation of the circumstances under which they were written. As to whether I made a critical examination of the works in which those statements appeared, in most cases I knew the writer by reputation. In others I examined the passage in general very critically so
far as I could and tried to understand the circumstances
821 under which it was written. My first reference was to
Charlevoix. I examined no other part of his work than the mere excerpt which was read in evidence. I knew Charlevoix, however, as a well known, reputable traveler and reporter of conditions, and the excerpt seemed to me conclusive as it stood as to what conditions he met.

Q. Would the statement in Charlevoix that there were two routes, one of which he did not take because he was informed there was not enough water for his boat, as it stood, be any more conclusive or illuminating that statements of St. Cosme, La Seuer, and La Salle, assuming that they were men having equal opportunities of basing a judgment or of knowing what they observed as Charlevoix himself, would they not, standing alone, be entitled to equal credit and be equally illuminating as the statement which you rely on from Charlevoix standing alone?

822 A. I don't know. I don't know anything about La
Seuer and I do not know so well about the standing of St. Cosme as I do about the general standing of Charlevoix.

From general reputation I know that the general standing

of La Salle as an observer and recorder is that he was a sound, able man, and reported what he had seen in general. I do not know who Mr. Sara was, I do not know that as early as the first half of the 18th century pack horses were used to transport goods up and down this river. I do not know that La Salle in 1682 stated that it would be easier to make the portage from the head of the navigation on the Illinois to Chicago by horses than to attempt a passage on this river. I have referred to Schoolcraft as one of my sources. I think I examined one or two of his other references to this river. I knew Schoolcraft's standing and capacity in general from my earlier studies. As to what I found in those one or two
823 other examinations I made, if my recollection is correct, I would not be sure of them, I believe he made an examination of the Desplaines and reported upon the depth of the water or spoke of it, and of the rocks, and of the general configuration of the country there. Speaking of a foot or two of water at the time at which he examined it in the Desplaines over these rocks, my recollection is not perfectly distinct. That is my only recollection. I may have noticed, but I do not recall the statement, that he came up the Illinois river in boats at forty miles or more below the junction of the Kankakee and Desplaines, he found it absolutely impossible to go further in boats, the boats being canoes, that they sent them horses and made this trip where they found the depth of water I speak of because they could not go up with their canoes.
824 If it were true, in my judgment, as a historian, it would throw light upon the availability of this river being used throughout the year as an avenue of trade and commerce. As to whether my conclusion would be that at least some times it was not available, that would depend somewhat upon the meaning of the word "times." In general I should say yes in answer to that question. I should judge it was not available at the time Schoolcraft made the trip you speak of. I do not recall in Schoolcraft's narrative to which we have recently referred that he

> "met several traders, on the plains who had transported their goods and boats in carts from Chicago creek, and who informed us they thought it practicable to enter the Illinois at Mt. Joliet. This would lengthen the portage to about thirty miles, but it has been perceived that we experienced difficulties far below this last mentioned point."

As to whether I know that that appears on the same page and is the next paragraph preceding the one wherein he referred to

the water being two feet deep, my recollection is that I said
I knew only the extracts which were contained in the
825 direct testimony, though I knew the general standing
of Schoolcraft, whose knowledge and opportunities for
observation had influflence on me, and I do say now that I noticed especially his statement about the long continued use of this route. Do not remember with any distinctness, if at all, these passages to which you are now calling my attention. Assuming that this two-foot depth appears in this same passage it is true I have this remembrance, but I do not recall the further part of the same passage.

Q. You have said that would have a bearing, the fact that he could not get up, as to the availability of the stream as a route for trade and commerce at that particular time; assuming that he said also in that connection: "Between this place and the Vermillion, where we left the Illinois, we have seen the river but seldom, although our route has been for the greater part upon its banks. We have, however, seen its channel at a sufficient number of places to determine that it has several long and formidable rapids which completely intercept navigation at this sultry season." Would that statement by a man of Schoolcraft's standing, his habits as to accuracy, and referring to the sultry season as being the time when navigation is completely interrupted, have any bearing upon the conclusion that the river offered a route for trade and commerce throughout the year with some difficulty?

A. No, I do not think it would; he says navigation was completely obstructed at those places in the sultry season.

Q. Did the fact impress you at all in arriving at your conclusion that Schoolcraft stated the following:

> "A remark that has been confirmed by meeting several traders on the plains who had transported their goods and boats in carts from Chicago Creek, and who informed us they thought it practicable to enter the Illinois at Mount Joliet. This would lengthen the portage to about thirty miles, but it has been perceived that we experienced difficulties far below this last mentioned point. This fact is sufficient to show the error of those who have supposed that a canal of only eight or ten miles would be necessary to provide navigation between Lake Michigan and the Illinois. A canal of this length would, indeed, provide communication which already exists at certain seasons between Chicago Creek and the Desplaines, but must fall far short of the grand purpose."

Do you have any recollection of seeing that statement in Schoolcraft?

A. No.

As a historian I do not think that in general it is a proper or a scientific method to determine upon the value and weight to be given to one statement of an author, or an observer upon a particular subject, without examining to determine what other statement he may have made upon the subject. I 827 have said that at certain times of the year the river was used with considerable ease. The fact of the coming of Cass, the trip of Childs, and the trip of Hubbard up the river, and a number of other passages indicate that to me; I should say in general nearly all of these sources of authority to which I refer. Taking into account the Graham and Philips report as to the length of the portage and the condition of the river at certain seasons of the year as not having any water in it; Charlevoix's statement that he went by the other route because he was told that there was not water enough in the river to float a canoe; and assuming that La Salle, St. Cosme and La Seuer made the statements to which I have referred, and assuming the fact as to Schoolcraft's statement in 828 other places, it would not be a necessary conclusion that for certain seasons of the year and for large portions of the year the Desplaines route was not available as a route of trade and commerce, even though it is stated by several of them that there was no water in the river except in the spring, I would still think it was not a necessary conclusion.

Flint wrote several books along through the early part of the 19th century. This particular book to which I have referred, speaking from recollection, about 1825. It may have been 1818 to 1820. As to Flint's personal knowledge of the region about Chicago and the Desplaines river, so far as I know, he had never been through this region himself. Do 829 not know how near he had been. I do not know upon what authority he bases the statement which I read into the record at page 785. I made no investigation of his work itself to see if I could not ascertain upon what he based that statement. The only examination I made to ascertain whether he had made any investigation or whether it was a mere casual remark was only as I know in general of Flint's work and his standing in general with historians as a person who is very much interested and had been interested for years in western conditions and travels, one of the best known authorities describing the conditions in the west as to matters

which he saw and recorded, and which he gathered from others
and from his various inquiries which he made. Sometimes he
made very minute observations as to matters which he himself
saw. I think they were remarkably minute in detail of
his travels and what he observed on them. I do not know
that I could answer as to that positively. I don't know
830 whether or not it is true that the closest he ever got to
Chicago was Jeffersonville, Indiana. I don't think it is a
fact that the only journey he made in this country was generally
from New York, then by way of Pittsburg down the
Ohio to Cincinnati, to Jeffersonville, back to Cincinnati and
back by way of Lake Erie up through Canada, but I have not
made a special examination to determine. I have no recollection
of it not being a fact but he was such a student of western
conditions and so much interested in this western country that
I should be very much surprised to find that he had not
been further west than Jeffersonville, Indiana, and through
that region. I cannot refer you to any record of his having
been anywhere else. I don't know whether the particular book
I spoke of was in the form of letters or not. If I was going to
determine the value of a certain passage in a book and it contained
internal references to something else from the same
writer, on the same subject, I might go to that reference where
he said he referred to the same matter. What I have read
831 into the record begins, "We have already remarked at
certain seasons of the year." I made no effort to ascertain
where he had remarked it.

Q. Will you please look at page 186 of the same book?

A. This book is copyrighted 1831.

Printed at Boston. Is the history and geography of the Mississippi Valley.

Whereupon counsel for defendant stated that he thought that the book that was referred to in this case was Ninth Thwaites Early Western Travels. (On being informed that it was not he proceeded.)

The Witness (continuing): Judging from the statement I quote in my direct Flint has referred to this region prior to this time.

Counsel for Defendant. He said this, did he not (reading):

> "At a period not far distant a communication between Lake Erie and Illinois river may be opened through the river Plein which empties itself into the lake. Crafts are

said to have already passed out of the one river into the other."

832 A. I don't know whether Flint said that or not. As to
whether I find anywhere any basis for Flint's statement, any investigation on his part, or anything more than the hearsay suggested by these words, "Are said to have already passed," Flint says in an excerpt which I gave in my direct, "We have already remarked, that at certain seasons of the year, boats of five tons burden already pass through the morass, from one extremity from which the waters are discharged in the Chicago of Lake Michigan; and from the other into the Plein of the Illinois." He makes a definite statement there: "Thus furnishing a natural communication between two rivers, whose outlets are so wide and opposite from each other."

I do not know of any place to which that "We have already remarked" can refer to in Flint unless it is the passage which counsel for defendant has read. I did not look at his early references.

Q. You have attached great weight to an article which appeared in the St. Louis Enquirer, which is a note to the book by Darby, and your references to which appear from
833 your testimony at pages 766 to 768. You have said that
subjecting it to such criticism as you were able to give it, it has very great weight. Did you take all the statements contained in that editorial together to determine what weight ought to be attached to it?

A. I have tried to.

In a veneral way I endeavor to ascertain whether other statements made in the editorial were true in point of fact. I checked up the statement about the survey of the region including the Chicago river and the portage, as to whether he had the limits in mind or was evidently speaking without looking up the matter himself or without knowledge of it. In checking these statements up I looked up to see what the terms of the treaty were. As to whether or not the statements as to the physical characteristics of the country and the rivers, and particularly of the rivers contained in that editorial are in important respects glaringly inaccurate, I investigated to determine their truth only in a general way, read the whole thing through and my attention was particularly called to the statement about the treaties. I say
834 particularly called—by myself, not by anyone else, and

I did not especially examine his statements about the rivers. My attention being directed to this:

> "The Chicago and the Plein are drains from these ponds. They have neither falls, nor shoals. They have not the character of streams, but of canals. The water hardly moves in their deep and narrow channel."

I noticed that statement particularly and my belief was that it was inaccurate in this respect, that the Desplaines river at certain portions of its course I believe to be somewhat rapid. There are various references to the rapids in these excerpts that seem to be inaccurate in that respect. I do not know what is the standard of high velocity in the current of the streams in Europe, nor what stream is the standard. I have heard of the Rhone. It seems to me I have seen La Salle's statement somewhere describing the Desplaines as having a greater current that that of the Rhone, but I cannot say positively. I am not aware that according to a distinguished engineer who sits in this room, and who is the public in this case, says:

> "The declivity from a point just above Lockport to Lake Joliet, 17 miles, a mere surface stream with a deep declivity over the lower half of the distance, discharging into a level of 76.5 feet below Lake Michigan."

835 If that were true I should think that the person who said that such a stream had not the character of a stream but of a canal, would not know what he was talking about in that particular. If he went further and described it as a stream moving in deep and narrow channels, whereas the distinguished engineer says it was a mere surface stream for the largest portion of its course, having very little bank but spreading during times of flood over a wide country, I would not think that the man who wrote that editorial knew what he was talking about in that particular. He said that in the dry season

> "are unloaded, placed on vehicles and drawn by oxen over a portage of a few miles and launched into a river or lake as the course of the voyage may require."

If upon examination of every source that can be found it does not appear that wagons were used for that purpose at that place and that the only reference in history to the use of wagons to make the portage is between the Illinois and Chicago, I would still think that statement of this editor in St. Louis was entitled to some weight on that point. I
836 don't know who the editor was nor from what sources he drew his information.

COUNSEL FOR COMPLAINANT. Thomas A. Benton wrote it.

837 Q. You have attached great weight to the statement contained herein, "Hundred, nay thousands of Boats have been seen at St. Louis which made a similar passage." Is there anything that you know of which qualified the writer of this editorial to say that such boats, assuming that they had been seen there, had been carried by wagons four or fifty miles.

A. I do not know anything about any opportunities that this man had to judge of the situation except what is stated in the passage.

838 As to whether there is anything stated in the passage that would indicate that he had any qualification for stating or knowing whether they had been carried four or fifty miles, he does not give the basis of the statement. He says in high water boats of ten or a dozen tons passed without obstruction. He says in dry seasons they were unloaded, placed on vehicles and drawn by oxen over a portage of a few miles. Having in mind Philip's statement that at certain seasons of the year there was a portage of fifty miles, a well beaten wagon road, and that the boats were taken in wagons kept by the French for that purpose, as to whether there is anything to indicate here whether this writer knew whether boats were brought a few miles or fifty miles by wagon, I should judge from this passage that the boats were put in the Desplaines river. He says:

> "They are placed on vehicles and drawn by oxen over a portage of a few miles and launched into the river or lake, as the course of the voyage may require."

839 No, there is nothing in the passage to indicate the basis of his information. From this passage or any knowledge of mine outside of this passage, I have no knowledge of what commerce these "Hundred, nay, thousands of boats" were engaged in.

Q. You have indicated in your answer on the direct that St. Louis' means of communication with the East was by the Mississippi and the Ohio. Do you know of any trade between St. Louis and Chicago that would have used "hundred, nay, thousands of boats" of any sort up to this period?

A. I rest my judgment that there was considerable traffic from the passages which I have referred to in my direct examination, and I judge from that that there was considerable traffic by the use of that route from Chicago to the southwest.

There is nothing within my knowledge of the situation existing at or about the time this editorial was written that would indicate to me what, if any, traffic there was between
840 the lakes and St. Louis particularly. As to whether I know what, if any, traffic there was at and about this period between the lakes and the Mississippi river, or any place on the Mississippi river, will say I judge from the passages from Hubbard, Kinzie and other passages of that kind that there was considerable traffic toward the south and southwest. Concerning traffic between the Mississippi river and Chicago I do not remember that the Mississippi river is mentioned explicitly in Kinzie or Hubbard. As to whether furs from the Mississippi river, in the time of Hubbard and Kinzie, of which St. Louis was the depot, came by way of Chicago, I do not know about that. Chicago was not a community of such size that there would commercially be any interchange of merchandise between it and St. Louis at the time at which this was written. This excerpt appears in a book which was published in 1819. I took for granted that the notice in the Enquirer appeared about that time, since this book is made up of the description of western travel in
841 1818 by a man who was interested in western conditions. I do not know what the the occasion of this editorial. The editorial appears to be a comment upon the work of marking out the boundary lines of the land ceded to the United States by the Ottawa, Chippewa and Pottawatomie Indians in the summer of 1816. It is a comment on the work and the improvement of it. That there is any motive in the preparation of this article I cannot see. It appears to be a natural newspaper comment upon a significant undertaking. The time appears to be somewhat between 1816 and 1819. It was with reference to the proposed survey by Graham and Philips and expressly so states. I do not know how large a population Chicago had at that time. I do not know that it had just four houses beside Fort Dearborn but it must have been
842 very small. I judge there was commerce on the lakes at that time which could have fed these boats running to St. Louis, or alleged to have been running to St. Louis, from the statements that there were made in the excerpt that I have read showing the continuing use of this route. I judge that it was fed by lake traffic in a considerable measure. I ought to correct my answer to say that the traffic was apparently both ways, that is to say the boats passed back and forth. I base that upon the various excerpts I have read in

my direct examination. Being asked whether I have made any investigation to determine how considerable the lake trade was at that period, will say I have a general knowledge but my statements are largely confined to the sources that I
use in my direct. There was considerable traffic in boats
843 and canoes on the lakes down to Chicago and around the
Lakes; I think there was no steamboat traffic beyond—
I do not know of any steamboat traffic beyond Detroit in 1818. The first steamboat came to Detroit in 1818. I doubt if there was any steamboat traffic beyond Detroit for some little time after that. I think there was still a considerable canoe and small sail boat traffic on Lake Michigan in 1818.

Q. You have referred to Keating as an exact observer and recorder. Are you aware that Keating in 1823 described Chicago as consisting of a few huts and offering no inducement to the settler as a place of business for the whole amount of trade on the lake does not exceed the cargo of five or six schooners, even at the time that the garrison received its supplies from Mackinaw?

A. No, I never saw that.

I do not happen to know how large the garrison was which was supplied in those schooners, nor had it come to my attention that it was about 105 soldiers. I do not know that Childs, to whom I have referred, said in 1827, there were only
fourteen houses in Chicago, 75 or 100 inhabitants. It is
844 my opinion that if it were true, "Hundreds, nay, thou-
sands of boats" went from Chicago to St. Louis or St. Louis to Chicago by way of the Desplaines, that there would linger among settlers who were here at the time some reputation or tradition among early settlers as to that fact.

Q. Wouldn't you say that tradition and reputation did not depend upon the persons who happened to be here at the time of the happening of the specific event to which the tradition related?

A. General tradition might be accepted as of considerable importance even if you could not trace it directly back to the person who was here at the time.

Q. If it should appear that an exhaustive search had been made among early settlers, some of whom came into the country within a dozen or fifteen years after the time of this editorial; and that no one can be found, the testimony of some hundred or more having been taken, who ever heard of such fact by reputation or tradition, would it affect the weight in your judgment to be given to this editorial appearing in a daily newspaper?

Objected to as not proper cross-examination and on the ground that it assumes things to be true which do not appear from the record in the case.

845 A. It is a hypothetical question involving elements that make it a question almost impossible to answer.

One element is that it would depend a good deal upon when this investigation into the recollections of the early settlers was made. If made in 1900, for example, that would mean that persons were asked to recollect things that happened seventy years before, and that their recollection under those conditions would not have anywhere near as much value as the recollection of things which had happened only a few years before. As to whether the recollection of old persons is, generally speaking, clearer as to matters that occurred in youth, and as to what occurred in their middle or later life, I think they remember stray incidents which happened in their early life with a certain amount of peculiar detail. If this investigation was made at a comparatively recent date the persons would have been of very immature years at the time you 846 mention, 1830, or there abouts, and might very well have had no knowledge of the conditions that had been existing a few years before, and of matters of trade and commerce. Referring to the elements that made the question difficult to answer, all the elements of doubt of which I have spoken being taken into consideration, it would have with me some weight, I think but very little. Being asked that if I think such a state of facts had existed as was indicated by this letter the tradition of it would have died out within twenty-five or thirty years, will say, that assumes the existence of a tradition and of course very few people were here at the time this editorial was written who were also here twenty-five or thirty years after. There was consequently very little opportunity for the continuing of this tradition.

Q. Would it affect the weight to be given to this statement that "hundreds, nay thousands of boats" were seen at St. Louis which had come by this route, if it should appear that when the earlier settlers began to come in and during all of their coming, none of them brought in their families, their household goods or themselves, by this route? Of course when I say "by this route" I mean by water; speaking 847 of settlers who came into this country along the Desplaines river and into the Illinois, but came by wagon and on foot and not by water?

Objected to as not proper cross-examination and on the ground of failure to include all the conditions of fact under which the early settlers came into this country.

A. In general I do not think it would have any effect on my judgment of this general statement, which may have been, I might say, somewhat exaggerated, but in general I do not think it would affect my judgment about the acceptance of the main fact which is here stated.

The editorial says "The Illinois is more a canal than a river." As to the accuracy of that statement my belief was that the Illinois was rather a slow stream. I know nothing about the character of that river between the mouth of the Desplaines river and Ottawa. I do not know that it is a series of rapids for a large part of that distance, and very shallow. Do not think I have read either the Kennedy Journal or the Schoolcraft description of that part of the river.

Q. What was the object of this treaty by which the cession of this land and the river was made?

Objected to, not proper cross-examination.

A. I should have to refresh my memory about that to be absolutely certain, think am correct in saying this special piece of land was acquired because of the importance of Chicago and this immediate neighborhood to be included in this survey for general trade purposes, as well probably as military purposes.

Being asked if there was any fur trade that I know of outside of a very small fur trade in 1818 in the immediate neighborhood included in this survey, will say the excerpts which I have read seem to show a considerable trade for a con-
849 siderable portion of time through this route. Have stated all I recollect at this moment as to the purpose of ceding this strip of land. I understand that the ceding of this land was beneficial for the purpose for which I understand it was made because it came under the control of the United States. I do not think I know that the object of that cession was in order that the United States could build a canal to connect the navigable waters of Lake Michigan with the navigable waters of the Illinois. There are various references here to the importance of that position. I have no reason to doubt that that was the purpose of it. Have made no investigation into it myself. It occurred to me that it was not unlikely that this article in the Enquirer with its, "Hundreds, nay thousands of boats" and its exclamation points was written with reference to a proposed canal through that route. I know

who Governor Edwards was. He made one treaty with
850 the Indians. Am not positive that he made this. I think he did but I would not swear to it. I have never become aware of the statement of Edwards in his message to the Legislature in 1816, as follows:

> "A tract of land bordering on Lake Michigan including Chicago and extending to the Illinois River was obtained from the Indians for the purpose of opening a canal communication between the Lakes and the River; having been one of the Commissioners that treated for this land I personally know that the Indians were induced to believe that the opening of a canal would be advantageous to them and that under authorized expectations that this would be done they ceded the land for a trifle."

Q. Now, all this as a matter of fact that appears in this editorial was concerning a prospective canal, was it not, and does it not bear internal evidence of that fact, and you might examine it. I call your special attention to page 241 of the transcript of the evidence where this editorial appears, the evidence of Mr. Alvord, in which it is said:

> "The communication between the lake and the Illinois, is a point which will fix the attention of the merchant and the statesman. They will see in it the gate which is to open the northern seas into the valley of the Mississippi and which is to connect New York and New Orleans by a water line which the combined navies of the world cannot cut off. Never did the work of nature require so little from the hand of art, to complete so great a design!"

A. It apparently has in mind the bettering of that route and also dwells upon the fact that it is already in its unimproved condition, of considerable importance.

Counsel for Defendant. Motion to strike out last part of answer as not responsive to the question.

The Witness. I mean to say from that that I cannot see from those excerpts any effort to enlarge upon the necessity of the immediate building of a canal. He speaks of the importance of the route and the fact that it will need little from the hand of art, and that it is already an important route and that therefore this survey is a matter of significance to the general western settlers.

Q. It does not convey to you the idea when it speaks of this in connection with Graham and Philips' proposed survey,

and the purpose of the cession from the Indians, and the fact
that he says it is the gate which is to open the northern seas
into the valley of the Mississippi and which is to connect
852 New York and New Orleans,—it does not convey to you
the impression that he is talking about a proposed canal
that is to make a water connection; is that correct?

A. He has in mind the importance of that route. I could not go further than that with any assurance.

It may be that the author of this editorial had in mind what
Governor Edwards had in mind and what Graham and
Phillips were going there for, and that it related to the same
enterprise. It is not evident to my mind from this excerpt.
I stated in my direct examination in connection with this article
from the Enquirer, that I could not see any influence
coming from prejudice or interest of the people who live in
St. Louis in this particular waterway, since St. Louis was in
a very advantageous position on the Mississippi, near the
Missouri and Ohio, furnishing that city with unusual means
of communication with the East and the South for the
853 transportation of its commodity. I say: "Subjecting
therefore this source to such criticism as I may be able
to give it, it has with me very great weight." As to whether
I meant that in my opinion this is a mere record of a news
item which did not concern in any important degree St. Louis,
will say that I meant that in my judgment St. Louis was not
so deeply concerned in this matter that the writer of the
editorial would be inclined to misstate or misrepresent the
facts. I do not like to go so far as to consider that it is an
enthusiastic and optimistic production growing out of large
advantages likely to accrue to St. Louis and the Mississippi
valley by the opening of a canal between the Illinois river
and Lake Michigan. I should say that it was a somewhat
enthusiastic, a somewhat exaggerated statement of the value
of a route which might be improved and made very much
854 better, probably with reference to the development of the
west in consequence. In criticising this excerpt I took
into account that notwithstanding the fact that St. Louis had
an advantageous position near the Missouri and Ohio, furnishing
it with unusual means of communication with the
East and South,—that the writer of this editorial perhaps
deemed that it would be of great advantage to the Valley of
the Mississippi and therefore to St. Louis, to open the gate
to the northern seas and connect New York and New Orleans
by water line. It did not appear to me that it would naturally

induce the writer of this editorial to misrepresent or misstate the facts as he believed them to be. I don't know that Thomas H. Benton was the writer of this article nor in particular what his attitude was as to the opening up of public highways. I read the following extract from Hutchins:

> "The Illinois River furnishes a communication with Lake Michigan by the Chicago River and by two portages between the latter and the Illinois river, the longest of which does not exceed four miles."

I cannot say exactly when Hutchins became the first geographer of the United States—whether it was during the time of the confederation or after the establishment of the constitution. Had no materials at hand to show that.
855 It must have been after the account from which I read into the record, which is dated, London, November 1, 1778. I believe he had made maps of the country in question up to the time he published the topographical description. Am not absolutely certain. He made a map of the Illinois region, the exact limits of which I do not know, some years before this. Have seen a sketch of a portion of it in Winsor's Narrative and Critical History. The sketch which, as I interpreted it, was only a portion of the map, does not include a portion of the country which we are here considering. I do not know of his having been at the site of
856 Chicago. He gives no authority that I know of in his article for the statement as to the

> "Illinois River furnishing communication with Lake Michigan by the Chicago River and by two portages between the latter and the Illinois River, the longest of which does not exceed four miles."

The footnote on page 504 refers to the Journal of Patrick Kennedy, which it attached to the book. After describing the character of the Illinois country, its soil, productions, etc., there is a reference to the note which reads: "See the annexed plan of the villages in the Illinois country, and so forth, and see Mr. P. Kennedy's journal hereunto annexed for a further account thereof." It follows immediately upon his paragraph devoted to the Illinois country. I find no other authority or reference made by him in connection with his statement as to the Illinois country except Kennedy's Journal, which immediately follows his topographical description of the country to which it relates. In connec-
857 tion with Hutchins' statement I made no examination of the Journal of Patrick Kennedy. Confined my attention to the particular excerpt here.

At the time I drew my conclusion in this case I did not know from any other source that in that journal Kennedy describes a voyage which he attempted up the Illinois river, in which he describes the character of the river, sets out the fact that he was unable to get with canoes beyond Ottawa because of the lack of water and swiftness of the stream and that he went on foot from there to the mouth of the Desplaines and Kankakee rivers.

Objected to as not proper cross examination and on the ground that the witness has stated that he did not examine the portion of the book referred to.

858 I stated I do not know what a pirogue was. If it should appear that it was the hollowed out trunk of a tree and that Heward abandoned his canoe in which he came down the lake and took a boat of that character to go on down the river, I do not see that it would have any effect in determining the character of the river and its availability for navigation. Have looked up since to see what pirogue is according to the dictionary definition since you asked me the question, but do not see that it would have an effect. I read a passage from Darby as follows:

> "The latter stream is formed towards its source by two branches, one of which rises south of Lake Michigan, and the other (River Plein) rises in the flat country west of the Chicago and flowing south, unites to the southwest of the extreme south part of Michigan."

I think Darby was never in Chicago. I do not think the description that he gives in the passage I read is entirely accurate, wherein it says that the River Plein rises in a flat country west of Chicago. It would have some of its portions north of Chicago river and north of Chicago. He has in mind, I should judge, the swamp or morass of which
859 many writers speak, near the heads of the Chicago and Desplaines. Don't know exactly where the Desplaines river rises. If it be true that it rises in Wisconsin some
869 ninety miles north of Chicago, taking the whole paragraph together I do not think it is a very glaring inaccuracy, although it would undoubtedly leave out this geographical fact that ought to be stated to make the thing complete. It is a misstatement of fact. But he has in mind this connection between the Chicago and Desplaines, the matter in which he is particularly interested, that is, the communication between the two rivers and the fact that both obtained their waters from the same immediate region.

Q. Referring to the passages of Hubbard and Childs up the river, would you say that the fact that you could pass over an inundated country in time of flood indicated that it was a route for trade and commerce?

A. I judge from the whole statement it was so used. The single fact that it might occasionally be used for two or three weeks in time of inundation would not, to my mind, be evidence that it was a route for trade and commerce; not as an ordinary common route of trade and commerce.

861 I notice that Childs could not discover the portage at all and stated that the whole country was inundated. I am not aware that in early times west of the ridge running along parallel with the lake the country nearly every spring was inundated so that you could pass miles in any direction with boats, nor am I aware that within sixty years in the spring it was frequently possible to pass out from about 25th Street down to where Chicago University is in flat bottomed boats for periods of several weeks at a time. From the fact that one was able to pass in such boats for several weeks at a time between 25th Street and the University, would not state that that constitued a route of trade and commerce. I would not consider that the fact that counsel for defendant as a boy kept a boat on the prairie west of that ridge and in the spring for two or three weeks at a time would pass over miles of prairie both east, west, north and south with a boat under full sail, would indicate that that prairie was a route of trade and commerce.

Q. The only instance that you have referred to of anybody passing over between the two rivers coming up was 862 in the spring, except that of Cass, and upon cross-examination you stated that you would not consider September a time of flood. How long have you lived in Chicago, Professor?

A. Four years and a half.

I have no recollection that in four years and a half there have been a series of rains setting in about the 18th of September and lasting a couple of weeks, usually coming to their most violent form about the 21st to the 23rd. Have never had occasion to observe the rivers during any such period in September here, nor the Desplaines River particularly. From the various statements that were made I judge that as a topographical matter in order to permit anyone to pass from the Desplaines into the Chicago River, it would require a rise in the Desplaines river of at least six feet from its normal level. I do not know that that only occurs in time of flood and quickly runs off. In one of the questions you asked a moment ago there was a statement that this 863 voyage of Cass was the only one, or words to that effect. I don't know what time Hubbard came up the river. Don't know that is important only I picked out Cass on one of the trips that was made not in the spring. Can mention no others, that is only one I recollect on examination Saturday. I am examing the Hubbard incident to which I referred in my statement. It appears to have been in March when he made his return trip. He stated that the river was high at that time. I do not remember the explicit statement of Hubbard, on the down trip to which I referred, after describing how they had carried their goods for a large part of the way on their backs.

> "In this manner almost three weeks were occupied in reaching the mouth of the Fox river."

I noticed the fact that he had many difficulties making 864 that trip down. Don't remember exactly how far down the Illinois the Fox was. Assuming it was one hundred miles from Chicago by way of the Desplaines and Illinois that would indicate to me that he had considerable difficulty in using the Desplaines on the down trip. As to whether they were difficulties which prevented him in large part from using it until after the transportation of his goods, it is my recollection that he had to carry at various times.

In my direct examination I stated that there were certain things about the excerpt from Drown's history which would indicate to me very positively that he was a man of antiquarian instinct and capacity. I had in mind in making that statement the explicitness with which he states certain things of a comparatively unimportant character perhaps. He speaks of John Hamlin "who is still with us, one of our old pioneers and citizens," and says:

> "He was a clerk in and kept a branch of the American Fur Company's store in this place, in one of the buildings in the center of the view between Water street and the lake—the building from the right, just below the Inn sign-post. In this store were kept Indian commodities chiefly."

865 The character of these statements as well as others, indicates to me the antiquarian instinct. Possibly I exaggerated when I said capacity; antiquarian instinct and

tendency would perhaps be a better phrase. I have made no very thorough examination of the book other than the passage referred to and its immediate contents. I have not examined the almanac and its poetry only in the most general way. I think I ought to withdraw the word capacity as I do not know that this excerpt supports that conclusion. As to what class this work belongs to, I might classify it in the third and it might also go in the fourth. It is somewhat difficult to tell. The third class is accounts by "a contemporary, who very evidently and distinctly based his evidence upon the knowledge of others and upon the reports of others." This person was not, as near as I can judge, a contemporary of the fact of the use of the Desplaines river which he is narrating. It would be more correct probably to err on the side of caution in that particular and place it under the fourth. That is, "Accounts that are not strictly by contemporaries, but by persons much nearer the events in time and place than we are and who seem to have had
866 opportunity for ascertaining the facts." As to whether
the author of the book does not represent himself as speaking from personal knowledge of Mr. Hamlin's exporting produce to Chicago in the manner there stated, that is not perfectly plain, but I should judge that he got his information from Mr. Hamlin and did not speak of his own personal knowledge. The book was published in 1850. The only thing that indicates how long he had lived in Peoria that I now see is that he must have been there since 1844, because his first book was published at that time. The event spoken of here as to the use of keel boats was in 1825. So far as I know there is nothing in the book to indicate that Drown was in position to have had personal knowledge of the happening of that event at the time.

Q. The special matter of interest there was the statement that Mr. Hamlin "in 1825, used keel-boats as far as the mouth of the Kankakee, and from there used Durham boats to Chicago, 'having built a store house at the former place to store in from the keel boats, to be taken by the Durham boats up the Aux Plain river.' "? Do you know what Durham boats were?

A. I know what Durham boats are; they are large flat boats.

They appear to have differed in size, depending upon the stream that they were being used on. There were some that would hold as high as fifteen or eighteen tons. I find my definition of Durham boats in a note in one of Thwaites Western Travels. That note gives the length of Durham boats as about sixty feet. I have other information than the note as to the varying size of Durham boats; from conversations with Mr. Thwaites. Confining my testimony to what I have seen in published works, I have no further information.

868 Q. Assuming that there is no other record to be found after the most careful search of the use of Durham boats on the Desplaines river; that within a few years after the time here mentioned settlers took up their abodes on the banks of this river; that all of those settlers still living have been interviewed and thoroughly questioned as to the facts; that there are still living, or were when their testimony was taken, a number who came into that country between 1830 and 1840, old enough to recall conditions as they then existed; that one of them settled and still lives in the immediate neighborhood of the mouth of the Desplaines and the Kankakee river; there there is none to be found who has any recollection of ever having heard of any such boats having passed up the river; that no traces of any such warehouse appeared at the time when they came into the country and no reputation existed of its ever having been there; and that none of those settlers ever found it possible to bring their produce up the Desplaines river in boats of that character; would you say that those facts have any bearing upon the weight to be given to Drown's statement in regard to what John Hamlin is said to have done?

Objected to as not proper cross-examination and on the further ground that it is a hypothetical question which assumes certain facts to exist which do not so appear in the record.

869 A. Assuming all these hypotheses to be true, it would have an influence on my judgment as a historian.

That effect would not be sufficient to make me reject Mr. Drown's statement, in the light of other excerpts concerning the use of this river which I have read in my direct testimony.

Q. I have asked you what effect, and you have given me the limit to which it would not go. How far would it go?

Objected to as incompetent, irrelevant and immaterial in view of answer already given.

A. It is very difficult for me to say, but it might go so far as to make me refuse this evidence if it were not supported by evidence which I have already examined of the continuing use of that route by boats of four and five, seven and eight tons burden. I am not sure that I would reject it even then, because of the explicitness of the whole paragraph.

Being asked to refer to the other instances of use of boats of the character of Durham boats, which I would rely on as confirming the statement in regard to Hamlin, would state I did not say Durham boats, but I said boats of five, six and eight tons burden. If there were no evidence or indication of the use of Durham boats except in this passage, and then the facts were as assumed in counsel's last hypothetical question as to what weight I would give to the statement as to Hamlin as against the facts which counsel has assumed, I should not reject the statement in Drown's history on that account. Being asked what weight I would give to the statement of John Hamlin, assuming that as a matter of practical experiment, except in times of flood, it has never been possible for anybody to bring a boat up the Desplaines river to Chicago, meaning not the mere little canoe but a flat bottomed boat capable of carrying merchandise up to Chicago except in times of spring flood, will say if it was never possible he did
not do it. In arriving at any conclusion as to the naviga-
871 bility of the river by boats of the character attributed to
Drown I should not give very much weight to the statement of an Indian living at the time upon the banks of a stream during all of the early part of the 19th Century, a man of character whose statements are accepted generally, whose abode was near the junction of the Desplaines and Kankakee and who stated that the early settlers and the white men went down stream, the Indians went both up and down stream but that the white man did not go up the stream. I assume the statement made by the Indian was made at a comparatively recent date. Do not think that sort of recollection, coming from such a source, would influence me much. Assuming that it was made at about the same date as this publication of Drown's.

Objected to on the ground that there is nothing to show that it was made at the same time.

It would not have very much influence on me. I do not know that I can say why his would have as much influence on my judgment as the author of this almanac and history
of Peoria. Would rather take a statement in a book of
872 this character, based apparently upon investigation of
early conditions, and a statement which purports to be

made after the knowledge of the citizens who made the trip and were engaged in trade. Supposing it should appear from the evidence of practical navigators that the Desplaines river was incapable of affording a passage for such boats except in time of flood, and then for two or three weeks, that would have some effect on the weight I would give to Drown's statement. As I said on my direct this statement, standing absolutely alone, might not be accepted. It stands absolutely alone so far as I recollect in the use of the word Durham, as far as the excerpts to which I have especially referred and on which I based my testimony are concerned.

Q. Is there any narrative of any boat of this character that you recall having passed up that river at any time, any boat except canoes?

Objection, not proper cross-examination.

A. It appears to me that boats of six or eight tons burden passed both ways. It is not absolutely positive perhaps that these were not canoes, but they were referred to as boats.

Q. I am asking you for a specific reference to any instance of a boat other than a canoe, passing up the Desplaines river.

The same objection.

A. I suppose though it is not absolutely certain that the passage of Lieutenant Hopson was from the south toward the north, and it does not seem to have been a canoe. The passage in my mind is this:

> "Lieutenant Hopson, who accompanied us to the Desplaines, told us that he had traveled it with ease, in a boat loaded with lead and flour."

I took for granted that the lead and flour was brought from St. Louis. That is not absolutely certain from the context.

I also refer to the passage from Keating in which he says:

> "Having been informed that this route was frequently traveled by traders, and that it had been used by one of the officers of the garrison, who returned with provisions from St. Louis a few days before our arrival at the Fort, we determined to ascend the Chicago river in order to observe this interesting division of waters."

It would seem that "one of these officers of the fort" was this Lieutenant Hopson, and that he came up from St. Louis with a boat loaded with lead and flour.

Q. If this is one, is there any other specific instance of boats passing up the river other than canoes?

A. I should judge that Hubbard made a trip up that river in a boat that was not a canoe.

874 Judging simply from the passages which have already been referred to. There is no other reference that I can think of except that contained in Hamlin aside from the reference in Keating, of the produce of the country having been carried to Chicago by the Desplaines river. I do not know where the flour came from, I judge it came from St. Louis. Using the term "Produce of the country" not as manufactured articles but as the growth of the country, there is no other reference as far as I can remember than this of any such export having been made to Chicago by the Desplaines river, in the passages on which I based by evidence. According to the best of my recollection, so far as those passages are concerned this reference of Drown's stands alone. I do not know of any passages, outside of this upon which my conclusion was based, where it appears that any such produce of the country was carried to Chicago by boats.

875 REUBEN GOLD THWAITES, called as a witness on behalf of the government, testified as follows:

I reside at Madison, Wisconsin. In the past twenty-four years I have been Secretary and Superintendent of the State Historical Society of Wisconsin. A part of my duties as Superintendent of what we shall call the Wisconsin Historical Society for a short cut, is to conduct investigations of the society and superintend its publications.

876 I am a member of the Wisconsin Historical Commission; also its secretary and the editor of its publications. I am a lecturer on American History in the State University of Wisconsin, my special field being the period of discovery, exploration and settlement of the basins of the St. Lawrence, the Great Lakes and the Mississippi river, from the period of earliest discovery to about the year 1850. I also give a course at the University on historical methods, especially with reference to the preparation of manuscript material for publication. I will say that in the course of preparation for these duties that I have mentioned, I have been obliged to make a study of source material, especially upon the history of the French occupation of North Amer-

ica from 1604 to 1763; and of the British occupation of the West from 1760 to 1816; and later, the American occupation of the West from 1776 to about the year 1850.

877 I will say that in the consultation of original sources I have sought access to all the material I could obtain, both printed and manuscript, concerning this region and this period that I have mentioned. I have spent much time in personal investigation of the various scholarly centers where such original source material is kept, including many of the official archives in Canada, in the United States, and to some extent in Europe, particularly Paris. I have also had a great many personal interviews with large number of voyageurs and fur traders and English and American pioneers in this region.

As a result of these various investigations and studies, I have published the following works as author: "Down Historic Waterways," in 1888; "The Story of Wisconsin," in 1890; "The Colonies" (meaning the American Colonies), "from 1492 to 1750." That was published in 1891. "On the Storied Ohio," in 1897; "Stories of the Badger State," in 1900; "A History of the University of Wisconsin," in 1900; "The Life of Father Marquette," in 1902; "The
878 Life of Daniel Boone," in the same year, 1902; "How George Rogers Clark Won the Northwest and other Essays in Western History," in 1903; "A Brief History of Rocky Mountain Exploration," in 1904. The volume entitled "France in America," in the American Nation Series, in 1905; and the volume entitled "Wisconsin," in the Commonwealth Series, in 1909.

I have edited the following works: "Volumes 11 to 19 of the Wisconsin Historical Collections." These have been published between the years 1908 and 1910; the 1910 volume is just out. "Chronicles of Border Warfare," in 1895; "The Jesuit Relations and Allied Documents," published in 73 volumes between 1896 and 1901; "Mrs. Kinzie's Wau-Bun," a reprint published for the Caxton Club of Chicago, in 1901; "Early Western Travels from 1748 to 1846," the series published in 31 volumes between the years 1904 and 1906; "Hennepin's A New Discovery," published in two volumes in 1903; "Lahontan's New Voyages to North America," a series of two volumes published in 1905; "Documentary History of Dunmore's War," in 1905; and the "Original Journals of the Lewis and Clark Expedition," published in eight volumes in

1904 to 1906. "The Revolution on the Upper Ohio, from 1775 to 1777," published in 1905.

879 In addition to the above, I have prepared and edited numerous monographs, magazine articles, and public addresses bearing upon my particular field of study.

I served for a time as Chairman of the American Historical Manuscript Commission, which is one of the activities or branches of the American Historical Association; I have also been a member of the council of the American Historical Association, and am at present a member of its committee on Historical Sites in the United States. I am a member of the American Antiquarian Association, corresponding member of the Massachusetts Historical Society, and am either an honorary or corresponding member of a large number of like associations and societies in the United States and Canada, some fifty in all I believe. Among these I may mention the historical societies of Minnesota, Illinois, Michigan, Chicago, Mississippi Valley, Ohio Valley and the Southern Historical Association.

It is a fact that some of these societies elect members simply because of the actual work that those members have done in the field of historical research. The American Anti-
880 quarian Society is an organization of that character. I am a member of that society. The corresponding membership list of the Massachusetts Society falls under the same category. I have been a corresponding member of that society some ten years back.

I am superintendent, practically librarian, of the Wisconsin Historical Society. I was president of the American Library Association for the years 1899 and 1900.

As to the distinctions historians in general make between original and secondary sources of historical material, I would say that by original historical sources, historians mean that class of material which has descended to us from the period which is to be studied. This material may be survivals like Indian mounds or relics in general, or it may be written or printed contemporary documents. That is, records made at the time of the events by persons cognizant of them.

881 To be more specific, these contemporary documents may, in such a case as this before us, be letters, diaries, journals or memoranda written by men who had traversed the Chicago-Desplaines fur trade route; or books written or printed by them about it. This is what we call primary original material, and under this head may be placed such documents or writ-

ings as books by Marquette, La Salle, St. Cosme, Charlevoix, Heward, Schoolcraft and others.

Then there is another class of original material requiring critical examination to convince one of its reliability. This would include chronicles or references to or about certain events or regions written by men who may or may not have actually been participants in the events recorded, or have been personally present in the region, but who are much nearer to the events than we are and therefore better able to obtain contemporaneous information or testimony concerning them. In this class falls a large share of what is regarded as the basic historical material in the study of European nations, and these are often the very bed rock on which historians tread, in their investigations concerning the history of the country whose annals are set forth by said writers.

Now, if we cannot have all of the primary documents in
the case, then we must fall back on such chronicles of ref-
882 erences written by men who are quite near to the event.

If we have no reason to suppose that these men have ulterior motives in their statements and that they do exhibit in their work professional skill as analysts and a judicial temperament and are known to have had special opportunity for access to original sources, verbal, written or printed, especially when later investigations on the part of historians have discovered primary source material which tends strongly to confirm the statement of the chronicler, then historians feel that they have a right to suppose that these people who stand nearer than we do to the events of the past have honestly chronicled them and should be accepted as original authority.

Then I would indicate another class of historical material as being the contemporary maps of the region under investigation. These may have been made either by men who like Joliet had actually visited the region; or they may have been made by professional cartographers like Bellin, La Denis, Moll, Mitchell and Del'Isle, whose profession it was to make maps for their governments or for sale to travelers and commercial men. Such maps were based upon the reports of travelers, traders and all manner of people from whom might be obtained the very latest particulars concerning the region of which the cartographer was making the map. From the historian's point of view, I should say that there is no better
way to study the progress of exploration and of early
883 settlement of any particular region than through the ex-
amination of the contemporary maps of that region. In

the course of their investigations historians have constant recourse to such contemporary maps, and investigations into early Western history I would say depend to a considerable degree upon the study of these maps.

I have mentioned original sources. As to what is meant by secondary sources, to use the phrase commonly used by lecturers upon historical methods, secondary sources are historical writings based upon the original source. Some of these secondary sources are of special value as historical material. For instance, very often the author has attained a special reputation as a man of ability and judicial temperament in the matter of research and in the interpretation of such historical material as he may have had access to. Then again such an author may have an established reputation as a local authority or local antiquarian, who has added to his studies from primary sources, material which he has obtained directly for the original actors in the events which he records. In
the case of many local historians, for instance the author
884 in many cases has had as his neighbors many original
actors in the early events and has been able to obtain from them both written material and verbal data of special value.

Within the class of secondary sources I would place the historical monograph. This is a secondary source of prime importance, if the monograph is the product of some man who is assumed to have devoted a considerable period of time to the minute and exhaustive study of some special event in history or of the history of some locality. It must be taken for granted by the historian that the monographist has gone to the very bottom of his subject so far as original material could possibly be obtained by him. Quite often his monograph is issued under the auspices of some college or university wherein the writer is a candidate for some high academic degree, and in its preparation he has had the advice and encouragement of the professors of history in that college. Quite often also such a monograph is issued for and under the auspices of some historical society, local, state or national.

A typical monograph of this character that I might mention is that of Turner's "Growth and Influence of the Indian Trade in Wisconsin," which is a thesis prepared by Doctor Turner for the doctor's degree at the Johns Hopkins University. And I might mention another, Professor Alvord's very admirable study entitled, "The British Ministry and the Treaty 885 of Fort Stanwix," which was published two years ago by the Wisconsin Historical Society.

The effect that the monographs have upon the so-called 886 popular history is that the average popular history is usually the product, if of a historian of the first class, of a special study of all the existing monographic material of this kind bearing upon the period or the region which the popular history is to cover. It is in effect a summary of all the conclusions reached in as many monographs published within the field covered by the history as the author could discover in the libraries of the country. I would mention as a good example of this sort of work, Chittenden's "History of the American Fur Trade." Of course the value of a popular history depends solely on the ability and character of the author as a student of materials of history.

Referring to page 445 of the Record, which is a translation of a passage from Count de Frontenac, I would state that I have previous to this examination read and studied that translation. It is a translation which I stand sponsor for. As to what I mean by translating the French term "barque" by the English word "bark."

Objected to as incompetent, irrelevant and immaterial.

887 I would say that at the time Count de Frontenac, in connection with La Salle's explorations and fur trade, was interested in exploiting this trade upon the upper lakes and toward the Mississippi river by sailing vessels, which in this particular document before me are referred to by the French word "barque." The sailing vessel, "Griffin" was built above Niagara Falls by La Salle. This was his first venture in a new scheme for western fur trade transportation. Now having this fact in view, I considered that the interests and the plans of both Frontenac and La Salle, who were to a large extent partners in this western fur trade exploitation—that the interests of Frontenac and La Salle were particularly concerned in a method by which their proposed system of sailing boats, of which the Griffin was an example, could be profitably utilized in conducting the fur trade between the upper Great Lakes and the Mississippi river; and it seemed to me fully justified by the context, to translate the French term "barque" into the English word "bark," which means a small sailing vessel of which the Griffin was a type. In other words, I consider that the English word "bark" used in this connection was an almost if not quite exact equivalent of the French word

"barque" as used in the original. That is the reason that I so translated it.

888 I was further strengthened in this view by the fact that Frontenac calls attention in this document before us to the assertion that his barques could reach the Mississippi river through a canal which was to be dug across the prairie from the lake of Illinois, or Lake Michigan, to the River St. Louis, or Mississippi river. On account of his various and far-reaching fur trade connections and his own intimate acquaintance with the character of the country, I considered that Frontenac would not have proposed to cut a canal at this point or in any other place for the purpose of the mere transportation of rowing boats or canoes; he certainly must have meant a vessel of considerable tonnage when he considered the building of a canal. That was a further circumstance which induced me to translate the original word "barque" into the English word "bark." I think that answers your question.

Q. In the prior testimony of this case, there has been some discussion, Dr. Thwaites, as to the location of the Miami Indians at various times. I will ask you to state as to whether you are able to give us, in a general way, the history of the various migrations of the Miami Indians, and if you are so able, to state what those migrations were and if necessary refer to any books that you may care to.

Objected to as incompetent, irrelevant and immaterial.

889 A. The Miami Indians, who according to the traditions of the tribe were formerly located in Pennsylvania, had, like most of the other western tribes, been driven by the invasion of the Iroquois, who lived in New York and northeastern Pennsylvania, to new hunting grounds in the west and northwest. When first known to the French the Miami were scattered through lower Michigan, northern Indiana, northern Illinois, and southern and eastern Wisconsin. There were six different clans or branches of the Miami and each of these clans or branches had one or more villages. In 1634 the explorer Nicolet found one of these villages on the upper Fox river in Wisconsin and among them the Jesuits established the Mission of St. Jacques. Father Hennepin also found them on the Fox river in 1680. The reference to the fact that Hennepin discovered them in 1680 on the Fox river, is in "Hennepin A New Discovery," second volume, page

890 640. He is speaking of his visit to Green Bay which he calls Bay Des Puans, wherein he says:

> "This Bay of Puans (Green Bay) has been hitherto as one may say, the Ultima Thulae of the French, for they never durst advance further into the country. This village, as I have intimated, consists of three several Nations, viz., Miamis, Maskoutens, and Kikabeux (Kickapoos)."

He then goes on to describe them. That is the indication that Hennepin saw them on the Fox river in 1680.

Referring to the book just referred to entitled "Hennepin's A New Discovery of a Vast Country in America," the edition of 1698, reprinted under my editorship in 1903, Volume II, page 640, the part that I have read in evidence is from an exact reprint of the original book by Hennepin, page 640. It is the English edition of the original book of 1698. I can vouch for the accuracy of the reprint.

891 Referring to other passages in reference to the migrations of the Miami Indians, I fail to find my reference which I supposed I had to La Salle's having discovered a part of this tribe on the St. Joseph river, which he calls the River of the Miamis, or Miami river. In 1669, I believe the year 1669, I do not at this moment recall the exact year, the Iroquois made a treaty of peace with the French commanders of New France, by which they promised to cease making raids on these western Indians that were friendly to the French, as were the Miami tribe. This fact enabled the Miamis to venture eastward again and make the valley of the St. Joseph one of their principal hunting grounds.

In the Wisconsin Historical Collections, Volume 16, page 99, is this citation from La Potherie, one of the standard authorities upon western conditions in New France at this time, giving an account of the operations in the western country from 1681 to 1683. La Potherie is giving an account of La Salle's operations in the western country and he says:

> "As fast as the new Nations were discovered, efforts were made to introduce among them the Gospel. Monsieur de la Sale had with him some Recolet Fathers. Having found his people, who had gone to live among the Isli-
> 892 nois, he established himself upon a steep rock, which was accessible only by a narrow foot-path; and the Islinois retired to a valley at the foot of the rock."

By this rock he means what was afterwards known as the Starved Rock of the Illinois River. Continuing he says:

> "The Miamis, the Maskoutechs, and the Kikabous (by whom he means the Kickapoos) abandoned their village

> at his arrival, because the men who served those Religious had been assassinated; and they established themselves thirty leagues from there, on the river St. Joseph."

La Salle, in common with many other great fur traders of New France, attempted a concentration policy. He desired to have settle in the neighborhood of his fort as many Indian villages as possible, in order that they might be in close touch with his fur trading fort and be engaged by him to carry on the fur trade and bring peltries to him. As a result of this concentration policy, he induced a large number of the Miami to move into his neighborhood from the St. Joseph, and one of those Miami clans, the Ouiatanon, whom the English called Weas, settled themselves on the Chicago river, and here they remained until about 1701 when Cadillac founded Detroit.

Jesuit Relations, Volume 58, page 293, in a note,—I haven't
that volume here but I can get the same thing from Wiscon-
sin Historical Collections, page 150; I think it is prob-
893 ably reproduced there. In the Wisconsin Historical Col-
lections, Volume 16, pages 150, is given an account—and
by the way, let me go back there where I have cited from La
Potherie; I desire to say in regard to La Potherie, that he
was the editor of the Memoirs of Nicolas Perrot, commandant
for the French for a great many years in the Northwest, and
the language as given in La Potherie is stated by La Potherie
himself to be the language of Perrot, this commandant.

Now, in Wisconsin Historical Collections, Volume 16, page 150, there is a further extract from Perrott's Memoirs as given by La Potherie, in which there is incidental mention of the Miamis being at Chicago. Perrot is at this time upon the Fox river in Wisconsin, and is talking about a number of deputations of Indian tribes who have come to see him about the connections between the French and the Indians in the Western Country. He says:

> "He told them that since Onontio (which was the Indian name for the Governor of New France) had undertaken war against the Iroquois (who was his son)—on account of the Miamis who had been slain at Chikagou, and for the sake of the Maskoutechs themselves, who had lost their families,"

and so forth. This is an indication that the Miamis at that time were at Chicago, in my estimation.

In one place I said "which is the French name for Governor"; that was not quoted, that was my own words.

894 In New York Colonial Documents, Volume 9, page 619, there are further evidence there of the location of the Miamis at Chicago, which exact reference I will later read into the record when I obtain a copy of the volume itself.

In 1701, when Cadillac founded Detroit, he also attempted a concentration policy, and thereby caused a reshaping of the Indian map by attracting to his neighborhood a large num-
895 ber of western tribes, or rather villages of them, and not the entire tribes. It was at this time we find in the records of the time that the Miamis appear to have had their chief hunting ground in the valley of the St. Joseph river, and their place around the southern end of Lake Michigan appears to have been taken by the Pottawottomies. But all this while the clan of the Miamis, called the Ouiatanon, who, in latter days, settled on the Wabash, appear to have remained at Chicago.

I will now cite from the Jesuit Relations, Volume I, page 237, the following which occurred at this place in the Jesuit, Relations, in the course of: "An Account of the Canadian Mission, from the Year 1611 until the year 1613, with the Condition of the Same Mission in the Years 1703 and 1710, by Joseph Jouvency, a Priest of the Society of Jesus," originally published at Rome, Italy, in 1710, and reproduced in Volume I, of the Jesuit Relations. On this page 237, there is given a list of the "Missions of the Society of Jesus in North America in the Year 1710." The first item in this list of missions is the "Mission of the Holy Guardian Angel."

In the Jesuit Relations, Volume 64, at page 143, Father Chauchetiere, one of the Jesuit Missionaries in Canada, is writing to Father Joutheneau in France. In speaking of the progress of the Jesuit Missions, he says: "This year, they have advanced into the interior in the direction of the
896 Illinois and the Miamis,—who live toward the south at 40 degrees of north latitude."

When Cadillac was Governor at Mackinaw between the years 1694 and 1697, he wrote a description of the upper country, which was the term used by the French for the country of the upper Great Lakes, and of course, he had excellent means of knowing conditions. This document is generally published as bearing the date 1718, because it was evidently consulted by the general government in France that year, but there are certain internal evidences which to my mind locate that document during the period that he was governor of Mackinaw, during the years I have just stated.

This document is reproduced in the Wisconsin Historical Collections, Volume 16. It is called: "Relation of Siuer de Lamothe Cadillac, Captain on full pay Commanding a Company of the Marine Troops in Canada; formerly Commandant of Missilimakinak and other posts in distant countries, where he remained three years." This document is published by Margry in Volume 5, pp. 75-132, but is reproduced in the Wisconsin Historical Collections, Volume 16, commencing at page 350.

Cadillac says, speaking of the Miamis, "The post of Chicagou comes next." Two lines farther on he says: "The Village of the Miamis is there; these are well built people, good 897 warriors and very active." In the succeeding paragraph he says, continuing his description of the western country: "Then comes the River St. Joseph. There was a fort there with a French garrison; and there is a Village of Miamis of the same nation."

When Courtemanche, a political and military agent of the government of New France, was sent out in 1701, to bring deputations from all the western tribes to a proposed new treaty between the French and Iroquois at Montreal, he found what he thought to be the main body of the Miamis on the St. Joseph river, where there was an important mission among them. Now, that mission had been begun by Father Allouez, about 1689, and was continued by Father Aveneau. It appears to have been kept up through the entire French regime.

In Jesuit Relations, Volume 62, pages 205 to 209, inclusive, there are references to this mission. On page 205, occurs the following:

> "Father Alloues also labored among the Pouteouatamis and the Sakkis, by whom he made himself feared through the energy with which he inveighed against their vices. * * * but his special mission is among the Miamis and the Illinois, where he labors with as much ardor as if he were in the prime of life. * * *
>
> With regard to the superstitions of the Miamis, he has not much trouble in disabusing them about these." * * *

898 Continuing on page 207 is this citation concerning the Miamis:

> "Their food for a somewhat long time consisted only of a few miserable roots that the women dug out of the ground; and even of these there was but very little for each, owing to their great number, for there were eighty cabins."

The rest on pages 207 and 209 is occupied with details of the arduous labors which he was undergoing in carrying the gospel amongst these people, indicating that the mission was in full progress.

Referring again to Cadillac's Memoir, above referred to, which ordinarily bears the date of 1718, pages 372, 373 and 376, Wisconsin Historical Collections, Volume 16, we find the tribes of the upper country located as we know them to have been throughout the 18th century, and Chicago deserted except for occasional wandering bands, their nearest neighbors being a village of Mascoutin and Kickapoos.

I cite as follows on page 372 of this book, after describing the Renards or Foxes of Wisconsin, the Memoir says:

> "About fifty leagues from the renards in the Direction of Chicagou, are the mascoutins and the quickapoux, who live together on the bank of a river whose name I have forgotten. * * * The quickapoux and the mascoutins are not Far from chicagou, it may be fifty leagues distant."

On page 373 he says:

> "The ouyatanons" (whom I have described above as a clan of the Miamis tribe) "were also at chicagou, but they feared the canoe people" (by whom he means the northern tribes who used canoes, for this conveyance was generally unknown to many of the tribes south of Lake Michigan at this time) "and consequently left the place. It would not be difficult to make them return, and it would be of importance to have them there for various reasons. The principal one Is that they are near the English and Sonontouans," (The Seneca) "on account of the easy road between them."

That is as far as I care to quote.

Yet such is the shifting character of the Indian map, that Charlevoix writing in 1721, knew no other tribe than the Miamis at Chicago and (thereby exhibiting that he thought they had been long there, speaks of Marquette as having been among the Miamis at Chicago. Now, that is in Charlevoix's History of New France, Shea's edition, Volume 3, page 181.

As to the standing of Charlevoix's History and General Description of New France, Shea's translation, published in 1868, I would say that Charlevoix was a Jesuit Priest of
900 great learning who was sent, in 1721, into New France to
write an account, by the Jesuit authorities in France, or about 1721, to make a study of the Jesuit Missions, in America,

and to report upon them. One of the results of his tour of investigation was his History of New France, Shea's translation of which is the volume before me. It is published in six volumes. These statements have high standing among historians. Charlevoix was a trained navigator, a very learned man who was sent out for the purpose of describing the conditions in the west, and his volume is taken as that of first hand evidence.

In Volume 3, of his edition of Charlevoix, at page 181, Father Charlevoix is giving an account of the journey of Marquette and Joliet, in which he says, after giving an account of the famous trip down the Mississippi river as far as the mouth of the Arkansas river:

> "They resumed their route for Canada, ascended the river as far as the River of the Illinois, which they entered. On arriving at Chicagou, on Lake Michigan, they 901
> separated. Father Marquette remained among the Miamis, and Joliet went to Quebec to give an account of his voyage."

On page 185, Father Charlevoix giving a further account of Father Marquette, says:

> "Father Marquette, on his part, labored quite usefully among the Miamis of Chicagou. He remained there till 1675, when he left it to proceed to Michillimakinac; but he died on the way, as I have related in my journal."

I judge from this that Charlevoix was not aware of the existence of Miamis anywhere else than at Chicago in 1721.

As to the question to state by reference to these various extracts read in evidence as to where the mission of the Guardian Angel was located,

Objected to as a conclusion.

I would say, there is in my mind no doubt whatever about the location of the Mission of the Guardian Angel at Chicago, but I will confess that the material for its history in meagre. It was founded sometime between 1690 and 1695 by Father Allouez. As near as I can judge by a study of the author-
902 ities, and I will read some of them later, it was abandoned about 1696, reoccupied in 1698, visited by St. Cosme, in 1699, and is spoken of as still existing as late as 1710.

I will read now from the Jesuit Relations, Volume 1, page 223—page 221 it really commences. I have cited this author before.

In "Father Jouvency's 'An Account of the Canadian Mission,'" which was originally printed in Rome in 1710, but which is reprinted in the Jesuit Relations, in Volume 1, commencing at page 195, and from which I have already read an extract, occurs at page 221, this language:

> "The space between this" (referring to the Mission of Sault Ste. Marie, at the Sault) "and two smaller lakes is occupied by the Outaouaki, among whom the Society" (meaning the Society of Jesus) "has many stations. Three such citadels of religion (for thus it is proper to call the Missions), whence she leads forth her soldiers and unfurls her sacred standards, have been located about the lake of the Illinois; the first among the Puteatamis, and called the Mission of St. Joseph; another among the Kikarous (Kickapoos), Maskoutens, and Outagamies (Foxes), and possessed the name of St. Francis Xavier. The third among the Oumiamis has the name of the Guardian Angel."

As the writer has already mentioned the well known
903 Jesuit Mission of St. Francis Xavier, upon the Fox river in Wisconsin, and the Mission of St. Joseph upon the St. Joseph river, to my mind he can, by the reference to the third Mission of the Guardian Angel mean none other than that among the Miamis on the Chicago river.

Upon page 237, in the same Volume 1, Jesuit Relations still continuing, Father Jouvency's account, he gives among the list of missions, "The Mission of the Holy Guardian Angel."

In Jesuit Relations, Volume 65, at page 53, in the course of a letter from Father Gravier to Bishop Laval, Father Gravier says:

> "We shall also be safe from the threats of Monsieur the Count de Frontenac to drive us from our Missions, as he has already done from that of l'Ange gardien of the Miamis (meaning the Guardian Angel), at Chicagwa—the charge of which Monseigneur of Quebec had confided to me, by his patents, giving me the care of the Missions to the Illinois, Miamis and Scious, and confirming the powers that Your Grace had conferred upon Father Marquette and Father d'allouez (Allouez) who were the first Missionaries to those Southern nations."

On page 71 of the same volume of the Jesuit Relations, to wit, Volume 65, Father Binneteau, a Jesuit missionary, is writing to a father of the same society in France. His letter is dated, "From the Illinois Country, (January,) 1699."
904 He says:

> "There is another missionary sixty leagues from here

> who comes to see us every winter. He comes from the Province of Guyenne, and his name is Father Pinet. If you knew him I would tell you more about him. He has had the happiness of sending to heaven the soul of the famous chief Peouris (Peoria), and those of several jugglers; and he has attracted to our chapels various persons who, through their fervor, are patterns to the village."

As Father Binneteau was at the Mission of the Society upon the Lower Illinois, he undoubtedly is referring here to the Father Pinet, whom we know to have been at the Mission of the Guardian Angel at Chicago. I think this reference is to Father Pinet of the Guardian Angel Mission.

I am further confirmed in the opinion that the Mission of the Guardian Angel was at Chicago by the Journal of St. Cosme contained in Shea's Early Voyages Up and Down the Mississippi, said references being on pages 52 to 55 of that edition. The citations bearing upon this subject have already been given in the direct testimony by Professor Alvord, commencing at page 111 of the transcript. Father St. Cosme was one of the so-called Seminary Priests of Montreal, commonly called the Sulpicians, who was upon a voyage into the west during the year 1686, in order to report upon the conditions of the missionary work among the Indians in the
905 western country. His letter addressed to the Bishop of Quebec as published by Shea and as cited by Professor Alvord, contains numerous references to the Chicago portage and the Mission at Chicago. After speaking of their landing at the mouth of Chicago river he says, commencing on page 52:

> "We went by Land, Mr. de Montigny, Davion and myself, to the house of the Reverent Jesuit Fathers, our people staying with the baggage. We found there Rev. Father Pinet and Rev. Father Buinateau, who had recently come in from the Illinois and were slightly sick. * * *
>
> Their house is built on the banks of the small lake, having the lake on one side and a fine large prairie on the other. The Indian village is of over 150 cabins, and one league on the river there is another village almost as large. They are both of the Miamis. Rev. Father Pinet makes it his ordinary residence except in winter, when the Indians all go hunting, and which he goes and spends at the Illinois. We saw no Indians there, they had al-

> ready started for their hunt. If we may judge of the future by the little while that Father Pinet has been on this mission, we may say that God blesses the labors and zeal of his holy missionary."

Further on page 54 he says:

> "On the 24th of October, the wind having fallen, we made our canoes come with all our baggage, and perceiving that the waters were extremely low, we made a cache
> 906 on the shore and took only what was absolutely necessary for our voyage, reserving till spring to send for the rest, and we left in charge of it Brother Alexander, who consented to remain there with Father Pinet's man."

907 When in my testimony this morning I referred to the volume of Hennepin's A New Discovery, Volume 2, page 640, I cited that as a statement of Father Hennepin himself; I overlooked the fact, however, that what I was citing from was an account by Father Marquette given as one of the items in the appendix to the English edition of Hennepin and the citation should therefore be attributed to Father Marquette rather than to Father Hennepin.

Whereupon, at the request of counsel for the govern-
908 ment, counsel for the defendant corrected the reference on page 459, of the record from volume 72, page 34, to volume 73, Thwaites' Index, Jesuit Relations.
volume 73, page 34, Thwaites' Index, Jesuit Relations.

Referring to the above reference to volume 73, page 34, the entry: "St. Joseph River (Holy Guardian Angel Miamis) 1, 223, 237, 264, 279," I should say that this entry was a clerical error on the part of one of my assistants. There are in that index to the Jesuit Relations something like 280,000 references and in the making of this index I was obliged to employ about twenty assistants. If here and there there may be an inaccuracy of reference, it is one of purely clerical mistake. ,

I will call your attention, sir, to page 30 of this same volume where under the list of missions of the Jesuits in New France and Louisiana under the paragraph beginning "Miamis" you will find that the Mission of the Guardian Angel is correctly located at Chicago. That is correct. The other reference on the St. Joseph river is a clerical error.

Q. Turning to Alvord's direct examination, page 109,
909 and in the light of evidence you have just given us in reference to the Miami Indians, you may state where the

trading post of Tonty and De la Forrest, referred to in that passage was situated?

Objected to as incompetent, irrelevant and immaterial, and as a conclusion of the witness.

A. In the extract which I have before me, as given on page 109 of Professor Alvord's direct testimony in which the Intendant Champigny is writing to the Royal Authorities in France, he uses this language:

> "It is also well to inform you, my Lord, that they have now a warehouse at Chicagou in the country of the Miamis."

My judgment is that this warehouse was situated upon the Chicago river. I refer by the Chicago river to the present Chicago river unless its boundaries have been changed by the improvements of navigation, but substantially the Chicago river of today.

Referring to the book entitled "Hennepin's A New Discovery," which consists of a two volume work edited by myself, I find, on page 626, an extract which was read in evidence
910 on the direct examination in this case. The extract is a part of the appendix. As to whether there is anything to show who is the author of this particular part, which I have stated is an appendix, I would say the title to this article, as given on page 625, may be construed in two ways. It reads: "An Account of M. La Salle's Voyage to the River Mississippi. Directed to Count Frotenac, Governor of New-France." This may be construed, as I say, in two ways, either that it was an article by La Salle or an article by some one else giving an account of La Salle's Voyage, and based, presumably, upon some article by him. The title is ambiguous in this respect. It conveys the impression to my mind, however, of being a synopsis or restatement of some report which the person who prepared this appendix for the English edition had somewhere seen as emanating from La Salle to Count Frontenac, Governor of France. I myself do not know the source of that report. Whether the language given here is that of the original English editor of the appendix, that of the editor of Hennepin or someone else, or La Salle himself, of course I cannot determine. This account, I may say, however, is not in the original French edition of Hennepin, but is contained in the appendix to the English edition of 1698, which was the one which I published and reprinted.

911 As to whether the appearance of this account of the Chicago portage in this English version of Hennepin's

book adds any weight to the original account of the portage by La Salle.

Objected to as incompetent, irrelevant and immaterial.

I do not consider that it does.

The book to which my attention is now called, is entitled: "New Voyages to North America by the Baron de Lahontan." It is reprinted from the English edition of 1703, with introduction, notes and index by myself. It was published in two volumes at Chicago in 1905. The original narrative was by Baron de Lahontan. The Baron was an officer of the Marine Corps of the French Army. All the French colonies in America at this time, or New France, I may say, were under the control of the Department of the Marine of the French Government, and the soldiers whom the French Government sent over to protect New France and to garrison its various forts were soldiers of the Marine Corps, and de Lahontan was
912 one of the officers of that Marine Corps. He was commandant of a post called Fort St. Joseph on the strait leading from Lake St. Clair to Lake Huron. During the period of his occupancy of this post the Baron made numerous excursions through the region of the Upper Lakes and the country bordering those waters. In the later years of his life he wrote an account of these voyages and it is that account that is contained in the two volumes before me, which I have just referred to.

On page 206 of volume 1 of Baron Lahontan's book, he uses this language:

> "I set out from the Illinese River on the 10th of April, and by the help of a West-South-West Wind, arriv'd in six days at the Fort of Crevecoeur, where I met Mr. de Tonti, who receiv'd me with all imaginable Civility, and is justly respected and honour'd by the Iroquese. (Iroquois.) I stayed three days in this Fort, where there were thirty Coureurs de Bois that traded with the Illinese. The 20th I arrived at the Village of the Illinese; and to lessen the drudgery of a great Land-carriage of twelve great leagues, ingag'd four hundred Men to trans-
> 913 port our baggage, which they did in the space of four days, being incourag'd by a Bribe of a great Roll of Brazil Tobacco, an hundred pound weight of Powder, two hundred weight of Ball and some Arms, which I gave to the most considerable Men of their number. The 24th I arrived at Chekakou (Chicago), where my Outagimis

(Foxes) took leave of me in order to return to their own Country, being very well satisfied with a Presnt I made 'em of some Fuses, and some Pistols."

As to the general opinion of historians concerning the authenticity of this particular trip, a part of which this 914 excerpt describes, I have stated in the introduction to my edition of Lahontan's Voyages, in said introduction, that while Lahontan actually did make a good part of the journey into the western country which is set forth in these volumes, that he probably did not make an expedition into the country west and southwest of Lake Michigan. Many theories have been advanced to account for Lahontan's tale of an expedition which he made toward a river which he called the river Long and which he said emptied into the Mississippi river from the west, about where the St. Peter's river now enters. So far as I know no competent historian in these days who has looked into the matter with any care, supposes for a moment that Lahontan did make this trip into and through the valley of the river Long as claimed.

My own theory is as set forth in the introduction which I have already cited, that Lahontan uses this account of his alleged journey upon the river Long and of the imaginary tribes whom he pretended to have discovered along its shores, as a bitter satire ideas and methods then prevailing in France and in New France. His account of his pretended voyage into the country of the river Long has been much discussed by historians during the past two hundred years,—nearly two hundred years. It has very much the air (it is very amusing reading) of Swift's account of the Travels of Gulliver. 915 While Lahontan's account of the Indians and of the customs and methods of the western country in his day outside of his notable chapter devoted to the river Long,—while this account, I say, is perfectly sane outside of his notable chapter devoted to the river Long and accords perfectly and thoroughly with the records of journeys and experiences by other travelers of that day and forms an admirable and acceptable account of early life in the west during the French regime, his account of the river Long expedition is from beginning to end, in my estimation, obviously pure fantasy.

An integral part of this account of the voyage to the river Long is this pretended portage trip between the Illinois river and Lake Michigan. This account, meaning his account of the portage trip between the Illinois river and Lake Michigan, is to be ranked as part and parcel of the whole river Long trip, and together with the rest of the account of that trip is rejected by modern historians who have investigated the subject. I have examined his account of this portage with considerable care and it seems to me there are five reasons why I should reject his account of his travel over this portage.

916 In the first place his description of the portage between the Illinois river and Lake Michigan does not accord with that of other travelers of that time. I cannot see in it any resemblance to the experience of other and thoroughly reliable and undoubted travelers of that time.

My second point is that he made this voyage, or pretended to have made this voyage, in April, 1689, at a time of the year when it is safe to assume that the water in both the Desplaines and the Chicago rivers was at a high stage. Again, the walking across the open prairie at that time of the year, a log soggy country, was probably very difficult. I should have said that boating in April would have doubtless have been much easier for him than walking.

Another point is that he misnames Tonti's fort on the Illinois. He calls it Fort Crevecouer. Now, had he actually been at Tonti's fort on the Illinois, he would not have given it that name. Fort Crevecouer was the fort built near the site of the modern Peoria, Illinois, on La Salle's first journey to the Illinois. It was destroyed in 1680, in the early months of that year, by a party of mutineering soldiers. At the time of which Lahontan speaks, 1689, Tonti was in command of Fort St. Louis which he had built in 1682, farther up the river near the present Utica.

917 My fourth point against Lahontan's account is this: At page 156 of his book, both in the original and in the reprint, is what he calls "A general map of New France commonly called Canada." The representation which he gives upon this map of the Illinois river and what he calls "The land carriage of Chekakou" is one which I should not think it conceivable for any man to have drawn if he had ever traversed the route.

(Whereupon counsel for the government offered in evidence the map from page 156, volume 1, Lahontan's Voyage to North America.)

(For copy of above Exhibit see Appendix, ____________) The fifth point I would make against Lahontan's account of his pretended trip over the Chicago-Desplaines portage is that he credits Tonti with being respected and honored by the Iroquois Indians, whereas through a long period of years including that mentioned by Lahontan, to wit, 1689, Tonti was waging a fierce war against the Iroquois in behalf of his neighbors, the Illinois Indians. All these five points would convey to my mind cumulative evidence that Lahontan was not familiar with either the men or the region lying to the southwest of Lake Michigan.

918 Q. I now call your attention, Doctor Thwaites, to a passage in your introduction to the first volume of Lahontan at page xxiv, beginning at the last paragraph on that page, in which you refer to the Chicago portage, and ask you what you have to say, if anything, in reference to the use of the term "Chicago portage," that is, in what sense do you there mention the words "Chicago portage"?

(Objected to as incompetent, irrelevant and immaterial.)

(Whereupon counsel for the government stated that this question was asked of Doctor Thwaites, the author of the introduction, for the purpose of saving encumbering the record, which would result if the entire introduction was offered.)

A. At this point in the introduction to Lahontan's voyages, I am simply giving the synopsis of the story as told by Lahontan himself, and I use the term "Chicago portage" merely in a general way, without attempting to designate the actual route pretended to have been taken by Lahontan; simply in a general way to indicate the direction which Lahontan claimed to have traveled; and I am simply in the introduction here synopsizing his story. Later in the introduction, after having given an account of Lahontan's voyages, real and pretended, I give my estimate of the historical value
919 as well as the shortcomings of Lahontan's narrative.

Referring to the British Board of Trade report, which appears in volume 19, page 5, of the Michigan Pioneer and Historical Collections,

(Whereupon the said passage which appears on the direct examination of Professor Alvord, page 192, was read in evidence.)

920 I would say that I consider that this report was made by a man not personally familiar with the western country.

It reads as though it were made up from accounts or narratives that he had seen or heard, or of maps of the region that he had examined. I should judge that the author had examined, among other things, a map published in the English edition of Hennepin's A New Discovery in 1698, which is reproduced at page 22 of the first volume of my reprint of Hennepin.

(Whereupon the said map was offered in evidence.)

(For copy of above Exhibit see Appendix, ...)

In this map, Hennepin or whoever drew the map for the author, wrongly locates Fort Miamis as being at the mouth of the Chicago river, instead of being as it was, at the mouth of the St. Joseph river. The writer of the report appears to take as true the statement on Hennepin's map, as being an established fact. When, however, the writer of the report reaches the paragraph describing the actual Chicago portage in the paragraph beginning "up the river Chicagou" and so forth, he appears to be on more solid ground and gives us a fairly accurately picture of the conditions there at that
921 time.

I should not consider that the description of the Chicago portage given in this Board of Trade report bore any resemblance whatever to the conditions obtaining on the portage route between the St. Joseph river and the Kankakee.

Objected to; incompetent, irrelevant and immaterial.

In Volume 11 of the Wisconsin Historical Collections, on pages 178 and 179, I have given a description of the St. Joseph river and the St. Joseph-Kankakee portage in a foot note.

Whereupon the said foot note was read into the record:

> "Relative to the location of St. Joseph's, see ante, p. 115, note 2. (That refers to the same volume.) De Peyster, in his Miscellanies, p. 24, note 3, says it was 'at the head of the river of that name, where the Pottawattamies have a fort and large settlement.' He also says, in a letter to Haldimand of Aug. 15, 1778, speaking of Louis Chevalier, the principal trader at St. Joseph, (Mich. Pion. Coll., IX, p. 368), 'He (Chevalier) holds the pass to Detroit and can also give the first intelligence of the enemy's
> 922 motion on the Wabash,' clearly describing the portage or pass, between the St. Josephs and the Kankakee rivers. Consult Thomas Hutchin's Map of the Western Part of Virginia, etc. (1778). Fort Miami, built by La Salle in 1679, was, according to Hennepin, 'just at the mouth of

> the river Miami,'—afterward, about 1703, styled St. Joseph's river. But this fort was destroyed by La Salle's men in 1680. Father Jean Mermet, then at the river mouth, writes La Mothe Cadillac, April 19, 1702, that he proposes to establish a mission 'three journeys,' or about sixty miles up river, 'near a stream which is the source of the Ouabache' (Illinois), where there is a portage of half a league (Margry v., p. 219). In 1711, Father Chardon had his mission sixty miles above the mouth. By 1712 there appears to have been a French military post at this mission. Charlevoix, in a letter dated 'River St. Joseph, Aug. 16, 1721,' writes, describing his approach to the fort, from Lake Michigan: 'You afterward sail up twenty leagues in it (up the St. Josephs river) before you reach the fort, which navigation requires great precaution.' He speaks of the large settlement of Pottawattamies and Miamis on the river, hard by the fort. The evidence is ample, that the fort on the St. Joseph, from about 1712 to its final destruction during the Revolutionary war, guarded the portage between the river of that name and the Kankakee, on the east bank of the St. Josephs in Indiana, a short distance below the present
> 923 city of South Bend; while the Pottawatomies were located upon the opposite bank, on the portage trail. In 1879, the St. Josephs river was surveyed by a corps of United States engineers; the distance from the mouth of the river up to Niles, Mich., where most historians have located Fort St. Josephs, was found to be but 42 miles, as the stream winds, while to South Bend it is 56.39, which latter distance very closely fits the sixty miles specified by Mermet, Chardon and Charlevoix. Credit is due to C. W. Butterfield for having been the first historian, so far as I am aware, to have pointed out the fact that this Revolutionary fort was in the neighborhood of South Bend; this he did in an eight-line note in Mag. West. Hist., iii, p. 447."

This foot note was prepared by me in the years 1887-88, as the result of a protracted investigation of maps, reports of United States Engineers, and local historians, contemporary historical documents, and the opinions of local antiquarians and geographers. In the preparation of this foot note I had the assistance of C. W. Butterfield, now deceased, who was one of the most competent of Ohio historians, and one of the best equipped of the early western historians, especially 924 concerning the region of Illinois, Indiana and Ohio, and in the note I give him credit for information given, as read. I believe that this note has been generally accepted by the local historians of Indiana. I know nothing to the contrary.

Referring back to the location of the Miami Indians I would say that in Charlevoix History of New France, Shea's edition, Volume 5, page 142, which is one of the volumes of the same series that I referred to this morning, he is giving an account as the author, of the voyage of the French Envoy into the northwest country in the year 1701, and he uses this language:

> "This done, he started for the Illinois, whom he reached on the 28th; all except the Kaskaskias were on the point of taking the war-path against the Iroquois, and he diverted them by the same means that he had employed to retain the Miamis. The Kaskaskias also thought of marching with the Ottawas against the Canses, a Louisiana tribe, and he stopped them. Returning then to Chicago where he found some Weas (Ouyatanons) a Miami tribe, who had sung the war-song against the Sioux and against 925 the Iroquois, he obliged them to lay down their arms and extorted a promise to send deputies to Montreal."

I offer this as evidence that Ouyatanons were at this time at Chicago. In this extract Father Charlevoix is giving an account of the voyage of Courtemanche, a French Envoy, who was sent into the upper country, by which I mean the country of the Upper Great Lakes, to bring deputations of all of the western tribes to a proposed new treaty between New France and the Iroquois, to be held at Montreal, and in the course of his visit he seems to have found these Miami on the Chicago river as here narrated by Charlevoix who was the historian of that expedition.

In Michigan Pioneer and Historical Collections, Volume 33, these citations from the Cadillac papers given in the volume already cited, are simply to indicate that at some time these Miami, including some of the Ouyatanon clan of that tribe were on the Wabash as well as the Maumee river.

In a speech which Cadillac is having with the different Indian tribes at Detroit in July, 1704, he uses this language, at page 193:

926 > "I am obliged to you, my children, for having remembered the promise you gave to your father, and for com-

ing here with your complaint of this instead of avenging yourselves. I have already learnt from M. de la Mothe that the Oyatanous (Ouitanons) had wrongfully slain three of your men, namely a Huron, an Outavois, and a Poutouatamy; and I have dispatched the Sr. de Vincenne, (who had a post at the place called Vincennes, Indiana, of today), whom you must have met, to go and inform the Oyatanous that it is my will that they should give you satisfaction and should make amends for this wrongful act, or I will join with my other children to compel them. M. de Tonty sends me word that the Oyatanous have come to Detroit and that they have set matters right, and have given satisfaction to the Outavois and to you; that they have promised to do also to the Poutouatamy."

That is one indication that they were over in that neigh-
927 borhood. I mean, when I say "over in that direction," in the valley of the Miami and of the Maumee, south and southwest of Detroit. I am attempting to show that the Miamis were in various villages at about this time, different tribes.

On page 240 of this same volume, Cadillac's Papers, Michigan Pioneer and Historical Collections, Volume 33, Cadillac reports to the authorities in France as follows, speaking of the wars, which the savages are directing against Detroit:

Whereupon the said extract was read in evidence as follows:

> "This latest attempt against Detroit is a gross one, and proves only too evidently that the war which the Illinois and the Aoyatanouns began against the savages of Detroit proceeds from the same source,"

etc., showing that the Illinois and the Ouitanons were co-
928 operating in an attack, and I infer from that that they were neighbors. The date of that is the 14th of November, 1704.

In proof of a statement that I made earlier in my testimony to the effect that the tribes to the south and the southwest of Lake Michigan were not known as expert canoe men, I would like to cite from the Cadillac papers on page 446, of this same volume under date of the 14th of November, 1708, a letter from Sr. d'Aigremont denouncing Cadillac's methods, and addressed to the authorities in France, in which he says, speaking of Mackinaw:

> "This post is the resort of all of the tribes that come down from Lake Superior, from the Bay des Puants, from

the St. Joseph River, and from Topicaniche. It is inaccessible to the most powerful of their enemies, the Miamis and Onyatanous, as they are not boatmen."

929 The "Document relative to the Colonial History of the State of New York," edited by E. B. O'Callaghan, and published in 1855, at Albany, New York, popularly known as the New York Colonial Documents, are a vast storehouse of material relative to the colonial history of New York, and the neighboring country, practically the entire tier of northern states east of the Mississippi river, from Minnesota to Maine; a vast collection of original documents transcribed as stated upon the title page from the archives of Holland, England and France, edited by Dr. O'Callaghan, who was the librarian and historiographer of New York. The work was done with very great care and erudition, and is regarded as a prime source of information by historians concerning the wide region that I have mentioned, and is used by historians without question as an indisputable authority.

In Volume 9, page 619, in the course of a memorial entitled, "Narrative of the Most Remarkable Occurrences in Canada, from the month of September, 1694, to the sailing of the vessels in 1695," there appears this paragraph under the heading:

"News from the Outaouais (Ottawas). The Outagamis
930 have spared the lives of the Iroquois prisoners that have been presented by the Ouiatanons of Chegagou in the spring with the intention of employing them in return, in negotiating with the enemy,"

which indicates clearly to my mind that at the period of this document, the Ouitanans were located at Chicago.

Whereupon counsel for the government stated that he desired to call the attention of the witness to certain particular historical authorities, portions of which had been already introduced into the record and were found in the transcript and that for the purpose of the questions he would ask the witness he referred to the particular passages as they appear in the record without rereading them.

Directing my attention first to Charlevoix, direct testimony, page 134, I have read that passage. At to what light, if any, the passage throws upon the subject of the use of the Chicago-Desplaines river route,

931 Which question was objected to as incompetent, irrelevant and immaterial, and on the further ground that the passage speaks for itself; whereupon it was under

stood between counsel that this objection might apply to all questions of this sort without further repetition.)

I should say that this indicated in the opinion of Charlevoix, who was an expert observer sent out for the purpose of making observations and reporting upon them, in the western country, that the Chicago-Desplaines route was one by which he thought he could readily reach Louisiana from Lake Michigan; but he appears to have turned aside from it owing to a storm and to have sought some other route. I should say that Charlevoix in the course of his investigation of the conditions in the western country, was doubtless seeking and doubtless obtained the very best sources of information at various places on his tour, from persons who were competent to give, it, and that he learned from them that the Chicago-Desplaines route was a well established route and probably the best route which he could follow in his travels between Lake Michigan and Louisiana.

932 Referring to Le Page du Pratz, an extract from whose book appears at page 153 of the record, I should state that the book by du Pratz falls within that class of source material which is the product of a carefully trained chronicler who stood much nearer to the event than we do, and unless the historian can find other material to controvert the assertions made by du Pratz, and further, if the conclusions which he reaches fall within the probable and natural course of events in the period and region treated by him, I should consider him as an authority. As a matter of fact du Pratz' History of Louisiana is regarded by his-
933 torians of the West with perfect confidence. The passage which appears in the record on page 153 is found on page 182 of du Pratz' History of Louisiana. I should say that du Pratz had undoubtedly ascertained, either from investigation personally or from the opinions of his contemporaries who had been there, or both sources, that the Illinois river was a well established route between the Mississippi river and the Great Lakes which explorers and other travelers from Canada could use in making progress from the lake region to that of the Mississippi river.

I am further confirmed in this judgment by the fact that in the English edition of du Pratz' History of Louisiana which I hold in my hand, published in London in 1774, there appears a large map of Louisiana entitled: "Map of Louisiana with the course of the Mississippi and the adjacent rivers. The Nations of the Natives, etc. By the author of the History of that Colony (meaning du Pratz) 1757."

Whereupon counsel for the government offered in evidence the map which occurs at page 36 of the book.

(For copy of above Exhibit see Appendix, ...)

934 Dr. Thwaites (continues): Upon this map there appears to be a very good representation of the Chicago-Desplaines portage with the carrying place definitely marked in a broken line in the same manner that he has indicated other places or portages elsewhere upon the map. The river Illinois seems to have two branches, one flowing from the east to the west, which I should infer to mean the modern Kankakee; another flowing from the northeast which I infer to be the Desplaines river, with a carrying place between the Desplaines river and the Chicago river.

With reference to the standing of this map in regard to other maps of the same period, I have nothing to say, except that it is a very good map and seems to be a very carefully drawn map of the Mississippi basin.

In reference to the book entitled: "Topographical Description of Virginia, Pennsylvania," etc., by Thomas Hutchins, I would say that Hutchins was an officer of the British Army who was sent by his superiors into the western country in 1762 to carry certain messages to commandants
935 of western posts concerning their relations with the Indians. He was an expert geographer and the book which you have just cited was one of the results of this early western trip. Owing to Hutchins' great reputation and his well known facilities for obtaining information, it is regarded by all Americans historians and especially by all historians of the west, as especially good contemporaneous testimony.

On page 42 of Hutchins' book occurs this passage:

> "The Illinois river furnishes a communication with Lake Michigan by the Chicago river, and by two portages between the latter and the Illinois river, the longest of which does not exceed four miles."

In my judgment he here refers to the Chicago-Desplaines portage route.

This map which I hold in my hand in entitled: "A New Map of the Western Parts of Virginia, Pennsylvania,
936 Maryland and North Carolina, comprehending the river Ohio and all the rivers which fall into it, part of the river Mississippi, the whole of the Illinois river, Lake Erie, parts of

Lakes Huron, Michigan, etc., and all the country bordering on these lakes and rivers."

This map was published in 1778, as appears upon the face of the map itself, by Hutchins, who at that time was a captain in the Sixtieth Regiment of Foot of the British Army. This Thomas Hutchins, whose name appears on this map, is the same Thomas Hutchins to whom I have already referred in the previous testimony as the author of the "Topographical Description," etc. As to the standing of this map, I would say that all maps by this same geographer, Thomas Hutchins, have a most excellent reputation among historians. He had abundant opportunities for making careful investigations, and it is considered that these maps embody the result of those investigations made upon the spot. He published a large number of maps of the western country.

(Whereupon the government offered the map in evidence.)

(For copy of above Exhibit see Appendix, ...)

937 Upon this map is indicated what Hutchins calls the river Plein which is undoubtedly the river Desplaines. There is extending from this river Plein a small water course headed by a small lake which I take to be Mud Lake. Closely approaching it is a portage of the Chicago river. At the mouth of the Chicago river the map bears this description: "Region Chikago, Indian Village and Fort at the entrance."

As to whether there is anything else on the map that throws light on the matter under investigation or would show that the maker of the map was familiar with the condition of the country, I should say that the comments made by the geographer upon the nature of the country round about in the neighborhood of the Chicago-Desplaines portage indicate an acquaintance with the actual conditions that existed there in primitive times. The map is dated 1778. As to what were the sources of information which Thomas Hutchins had in the preparation of this map and in the preparation of the

938 book from which the extract read in evidence was taken, I am unable to give you an extensive account of the travels of Thomas Hutchins in this western region, but I do know that in 1762 he was at the British fort in Green Bay, Wisconsin. In 1766 we find him conducting an expedition or being one member of an expedition down the Ohio river in company with Captain Harry Gordon, chief engineer of the British Army in America. Their voyage was down the Ohio river

to the Illinois country, investigating the country along the way.

In that same year, 1766, he drew a map of Ohio at the falls, that is, Louisville, as one of the incidents of his trip. In 1768 he drew a sketch map of the Wabash river from Vincennes to the Ohio river; and we have evidence of his having been in the Illinois country during the years 1769-1770. Undoubtedly, being a geographer and engaged upon this purpose of making maps of the country and reporting upon its condition, he undoubtedly met in the Illinois country army officers, trappers, voyageurs, and others who were familiar with the country and from them gained information which enabled him to make this and other maps of this region. I take it that this large map that we have before us is a product of this experience.

Mr. Hutchins was also a close friend of George Morgan, a very prominent citizen of Pittsburg in that day, who had
939 extensive fur trading interests in the west and was much interested in developing the trade in this region. In short, Hutchins appears to have had every incentive as well as opportunity to make a close study of the western country. His books and his maps give every evidence of information received at first hand from those competent to give it, in addition to his own personal observations which must have been extensive.

(Whereupon counsel for the government stated that the map in question belonged to the Wisconsin Historical Society and would be photographed and the photograph introduced in evidence in place of the original.)

Referring to the direct testimony, page 204, where appears an extract from the Life and Works of Arthur St. Clair, as to what light, if any, is thrown by that passage upon the subject under consideration, namely, the use of the Desplaines river, I would say that it shows in my judgment that at the time this report was written there was a well-established trade between the country of the Illinois and the region of the Great Lakes, and that one of the routes of that trade was by
940 way of the Chicago river and the Desplaines. I should say that this particular citation was important testimony to establish this historical fact. The document assumes particular importance as emanating from the Governor of the Northwest Territory, of which what is now Illinois was then a part; and as being made to President Washington, to convey to him and to the Federal Government information concerning the conditions of trade and transportation in the great

territory over which General St. Clair had supervision. It was in the nature of a report. The language describing the route followed by traders between the Mississippi river and Lake Michigan in this report is somewhat confused in phraseology, but in the next paragraph the very accurate description of the condition of the portage at the time of the spring floods establishes definitely in my mind the fact that the author of the report here refers to the Chicago-Desplaines river route. The portion of the report to which I here refer is as follows:

941 "The furs in which these goods are generally paid for (deer skins answering better than furs in the New Orleans market), are carried to Canada by the same communication; that is to say, up the Illinois river, up the Chicago, and from thence by a small portage into Lake Michigan, and along that lake to Michilimackinac; or from the Chicago up the river Au Plain, and by a portage into the same lake.

In the spring of the year" (this is the point that I give special credence) "the waters of the Michigan and the Chicago rise each to such a height that the intermediate space is entirely overflowed, and is passable by the vessels in use there, which are bark canoes, but which carry a very considerable burden, and are navigated by three or by five persons."

Referring now to the manuscript of Hugh Heward, which appears on page 190 of the record, I would say that Heward was, I think, a Scotchman who drifted into the fur trade in Detroit and vicinity and extended his operations into the Illinois country where he had considerable affiliations. After
942 the delivery of the forts in the western country by the British to the American Government, in 1796, Heward retired to upper Canada and became a reputable and prominent citizen, I think, of York.

In 1790, according to his manuscript, he started early from Detroit for the Illinois, and evidently took a route new to him across country. I should say that he was a very keen observer as his journal shows every mark of the trained woodsman and voyageur. I infer from various circumstances that I have discovered about him, that he was in partnership with William Robertson, one of the richest and most influential of the Scotch traders, who had houses both in Montreal and Detroit.

Heward's journal in the original is owned by Mr. Clarence

M. Burton, of Detroit, and is written on scraps of paper now yellow with age, and shows every sign of having been a daily journal as he went along. After considerable difficulty in finding his way from Detroit, getting lost once or twice, he appears to have reached the headwaters of Grand river and ran down it in canoes to Lake Michigan. The only trader he met was one of the Langlades, prominent traders of Wisconsin. Langlade was then on his way to Mackinaw. From Grand river Heward and his engages skirted the lake
943 shore to the south and southwest. As he proceeds upon his journey he names the important rivers. The first river is the Kekalemazeau (Kalamazoo); St. Joseph, Chemin (Trail Creek at Michigan City); Grand and Little Calamamek (Calumet), and arrived May 9th, at Chicago, sleeping at the cabin of Point Sable's, a San Domingo negro, who was then living on the site of the modern Chicago.

The rest of his journey you have in the citations in Professor Alvord's testimony. The last entry is Friday, May 21, 1790, when he and his companions were opposite the Missouri river.

My judgment of the manuscript journal of Heward from Detroit to the Illinois country is that it was written in a manner and style which convinced me that he actually undertook the trip recorded in that journal, and that the journal is a rude and faithful record made from day to day of his experiences and observations upon that trip. It is in my opinion the record of a trained woodsman, and frontier traveler, who was at the same time a keen observer. One can easily follow him on the map of the region which he traversed, and must admire his accuracy. As one of the side lights, I would say that his descriptions of the quarrels and impertenances of his assistants, or engages, are true to the life, and helped confirm me in my acceptance of this journal as a first-class orig-
944 inal source material in the study of the western history.

Turning now to Mr. Darby's book, which is referred to in the direct testimony, page 237, the book being entitled, "A Tour from the City of New York to Detroit, in the Michigan territory," I would say that Darby is the case of a man who journeyed through the territory in question with a view of picking up accurate information concerning it. I cannot conceive what interest he would have in misstating the facts set forth in his account. He also stands in the class of these people who are much nearer to the events than we are, and had greater opportunities for learning about them than we have.

Referring to these extracts which appear beginning on page 237, and including the note of the article appearing in the
945 St. Louis Enquirer, I should regard those as excellent source material. It would be evidence that the Chicago and Illinois rivers, and the portage route between them were at this time well established trade routes between the waters of the Great Lakes and the Mississippi river. He describes this portage route with accuracy.

(Whereupon the record page 239 was again read into evidence.)

946 With reference to the extract from the St. Louis Enquirer, which appears at page 240 of Professor Alvord's
947 direct testimony, I should regard the statement as somewhat exaggerated, as is frequently the case in newspaper accounts. Nevertheless it is valuable testimony for several reasons.

In the first place, the editor, the responsible editor of the St. Louis Enquirer at this time was Thomas H. Benton. Thomas H. Benton was one of the leading citizens of St. Louis, if not the leading citizen in his time; he was particularly noted for his studious habits and his tenacious memory. He was very much interested in the opening of a deep waterway from the lake to the Mississippi river. He was a friend of Chouteau, and other fur traders, and was, therefore, particularly concerned in and well informed in the trade routes of this region.

Then, again, St. Louis at the time this newspaper was published was a very small place. No doubt a large number of the subscribers to the St. Louis Enquirer were men engaged in commercial enterprises, or in transportation enterprises along the route leading from the St. Louis river to Lake Michgan. I should not consider that the editor of the paper, while perhaps somewhat exaggerating the use of this trade route, would venture to go very far from the facts and circumstances, because there is no doubt whatever in my mind that there were numerous people in St. Louis at this time who were quite familiar with the circumstances in the case. Therefore, I should say that there must have been some basis,
948 if not a considerable basis, in fact, for the statement made in this St. Louis Enquirer item, that boats had actually been seen at St. Louis, which had made the passage in question, although the author of the item in the newspaper may have exaggerated the number of boats engaged in such commerce.

Referring to a book which I hold in my hand entitled "Incidents and Events in the Life of Gurdon Saltonstall Hubbard, collected from personal narrations and other sources, and
949 arranged by his nephew, Henry E. Hamilton," published at Chicago in 1888, being the book from which extracts have already been introduced into the record, I would say that this narrative of Mr. Hubbard's, from which this book is for the most part made up, appears to have been written about the year 1880. I gather this from a sentence from page 11, of that book, wherein he says:

> "Though sixty-two years have passed since then, I distinctly remember the animating and affecting scene presented that morning."

He here refers to an event which occurred in the year 1818. Mr. Hubbard had been engaged in the fur trade in Northern Illinois for a long term of years; his personal reminiscences, therefore, constitute a history of that trade in this region, so far as his personal experience brought him in touch with that commerce.

On page 10 of his life, I learned that he was first engaged by the American Fur Company, in the spring of 1818. He
950 describes upon that page the nature of his outfit, his wardrobe, and the other articles necessary to take with him, and he says:

> "On the 13th of May, 1818, having bid adieu to my mother and sisters, I started with my father and brother for Lachine, where I arrived about nine o'clock in the morning and reported for duty."

The American Fur Company, of which John Jacob Astor was the moving spirit, was at this time conducting a widespread commerce with the Indians for furs throughout the entire region of the upper Great Lakes, the upper Mississippi valley and the upper Missouri valley. This company was the dominating force in the fur trade of this vast region. Their chief distributing point in the west was upon the island of Mackinaw. Upon this island they had their general offices and large warehouses to which they transported in sailing vessels the merchandise which they took into the west for the purpose of exchanging with the Indians for furs. From Mackinac Island they sent out brigades or crews, of fur traders, to visit the outlying fur trading posts upon the upper Great Lakes and the rivers of the west and the northwest. The fleets of boats were propelled by engages or voyageurs, and there were at the head of such fleets one or more clerks or bourgeois.

Upon page 21, Mr. Hubbard says:

> "The force of the Company, when all were assembled on the island, comprised about four hundred clerks and traders, together with some two thousand voyageurs."

951 At Mackinac Island the brigades as they were for the most part called, were provisioned and equipped and otherwise made ready to go to the particular trading territory assigned to each brigade.

On page 24 Mr. Hubbard describes one of these brigades in the following language:

> "The 'brigade' destined for the Lake of the Woods, having the longest journey to make, was the first to depart. They were transported in boats called 'batteaux,' which very much resembled the boats now used by fishermen on the Great Lakes, except that they were larger, and were each manned by a crew of five men besides a clerk. Four of the men rowed while the fifth steered. Each boat carried about three tons of merchandise, together with the clothing of the men and rations of corn and tallow. No shelter was provided for the voyageurs and their luggage was confined to twenty pounds in weight, carried in a bag provided for that purpose."

On the same page Mr. Hubbard further says:

> "The clerks were furnished with salt pork, a bag of flour, tea and coffee, and a tent for shelter, and messed with the commander and orderly."

On page 25 Mr. Hubbard states that he was at first detailed to the brigade headed for Fond-du-lac of Lake Superior,
952 —that is, the bay on which is today situated the City of Duluth, Minnesota. But about this time he says that he received a letter from his father to the effect that his father and brother were to be in St. Louis and that the commander of the "Wabash and Illinois outfit" always sent a boat to St. Louis to purchase supplies for his various fur trading posts. For this reason Mr. Hubbard asked to be assigned to that brigade and his request was granted.

On page 23 I learn that the commander of the "Illinois brigade" was Mr. Deschamps. Mr. Hubbard says of Mr. Deschamps:

> "He, at the age of nineteen, engaged himself to Mr.

Sara (by whom he meant Gabriel Cerre), a fur trader at St. Louis, and had devoted many years of his life to the Indian trade on the Ohio and Illinois Rivers. When the American Fur Company was organized he was engaged by them and placed in charge of the 'Illinois brigade'' or outfit.

I will now follow the first trip made by Mr. Hubbard. On page 28 of the book before us there is this description by Mr. Hubbard of the Illinois brigade:

"Some of our boats were crowded with the families of the traders, the oldest of whom was Mr. Bieson, a large portly, gray-headed man, who was then about sixty years of age, and for more than forty years had been an Indian trader on the Ohio, Mississippi, and Illinois Rivers. His wife was a pure-blooded Pottawatomie Indian, enormous
953 in size—so fleshy she could scarcely walk."

On page 29, Mr. Hubbard says:

"Among the others, who had with them their families were Messrs. Bebeau, of Opa, (meaning Peoria), and Lefrombois, Bleau, and La Clare, all of whom had Indian wives; and, in fact, there were but three or four single men in the party."

On page 59 of Mr. Hubbard's book I find the following phrase:

"The next day we spent in loading our boats, and the day following the thirteen boats of the 'Brigade' pushed off from the shore, and, to the music of the Canadian boat-song, we started on our long return journey."

Returning now to page 30, I learn from Mr. Hubbard's account that:

"The boats progressed at the rate of about forty miles per day under oars, and when the wind was fair we hoisted our square sails, by the aid of which we were enabled to make seventy or seventy-five miles per day. If the wind proved too heavy, or blew strong ahead, we sought an entrance into the first creek or river we came to, and there awaited a favorable time to proceed. If caught by a storm on the coast, when a shelter could not be reached, we sought the shore, where our boats were unloaded and hauled up on the beach out of reach of the surf. This was a hard and fatiguing labor, and was accomplished by laying down poles on the sand from the
954 edge of the water. The men then waded into the water

> on each side of the boat, and by lifting and pushing as each large wave rolled against it, finally succeeded in landing it high and dry on the shore."

Mr. Hubbard's narrative then proceeds to give details of the route followed until they reached Chicago, October 1, 1818, which event he records on page 32, saying:

> "Thus I made my first entry into Chicago, October 1, 1818. We were met upon landing by Mr. Kinzie, and as soon as our tents were pitched, were called upon by the officers of the fort, to all of whom I was introduced by Mr. Deschamps as his boy. I presented my letter of introduction to Mr. Kinzie and with it a package sent by his son."

We come now to the long description of the route taken by this expedition from Chicago to the Illinois River. I will not read this, however, because I find it in the transcript of Professor Alvord's examination on page 264. The account of this trip across the portage commences on page 39 of Hubbard's book. The month was October. The traders found the crossing of the portage very difficult at that season of the year, there being but little water available for the purpose of floating the boats. Having reached the Desplaines they were able to resume the voyage on the water as far as Isle la Cache, which I have been informed, is the Romeo Island of today. Here Mr. Hubbard says, on page 41:

> "Low water compelled us to again unload our goods in order to pass our boats over the shoal that here presented itself."

955 From this point the progress of the expedition was slow, for according to Hubbard on page 43:

> "Most of the distance to the Illinois River our goods were carried on our backs, while our lightened boats were pulled over the shallow places, often being compelled to place poles under them, and on these drag them over the rocks and shoals."

On page 729 of Professor Alvord's redirect testimony, I find that he has quoted a paragraph from page 46 of Mr. Hubbard's book. From this paragraph, and from a further citation on page 25 of Mr. Hubbard's book, I find that Mr. Deschamps was in the habit of sending a boat every fall to St. Louis for supplies for his Indian trade. This citation on page 25 is as follows:

> "I had before this been told by Mr. Deschamps that

> he made a trip every fall to St. Louis, with one boat, to purchase supplies of tobacco and other necessaries for distribution among the various traders on the Illinois River."

Apparently one of the boats in the fleet of thirteen with Mr. Hubbard was the boat with which he made this trip this year.

After spending the winter on the Illinois river, Mr. Hubbard, with the other traders of the Illinois brigade returned by the route that they had came. This is referred to on page 269 of Professor Alvord's direct testimony and is taken from Mr. Hubbard's book, page 29. This return trip was made
956 in the month of March. At that time the water was high
and the boats "heavily laden," as Mr. Hubbard says, were able to go up the Desplaines and after the wind changed, to sail from Cache Island to Chicago without portage. This is recorded upon pages 59 and 60 of Hubbard's, and is given on page 269 of Professor Alvord's direct testimony.

The next winter, 1819-1820, Mr. Hubbard did not accompany the Illinois brigade, which was still under Deschamps, but was delegated to the Muskegon river, as is reported in his book, page 74.

The next winter, that of 1820-1821, was spent on the Kalamazoo river, as indicated on page 96 of Hubbard's. In the winter of 1821-1822 Hubbard was again with the Illinois brigade, as recorded upon page 104 of his narrative. It then consisted of twelve boats still under Mr. Deschamps. On reaching Chicago the traders found, according to Mr. Hubbard, that the water was unusually low, and "in places the Desplaines could be crossed on foot without wetting the sole of the shoe." This was the same year.

On page 105 Mr. Hubbard says:

> "We were compelled to carry our goods and effect from the South Branch of the Desplaines on our backs, leaving our empty boats to pass through the usual channel from the South Branch to Mud Lake, and through that
> 957 to the West End, and through the other channel. Having
> completed the portage to the Desplaines and encountered the usual fatigues in descending that river, without unusual delay or accident, we reached Bureau Station, where I had passed my first winter."

The return to Chicago in the spring of 1822 was made in April. On page 116 Mr. Hubbard says:

> "About the first of April we resumed our journey to-

> wards Mackinaw, proceeding leisurely, and reaching Chicago in due season."

The next winter, 1822-1823, Hubbard also went with the Illinois brigade. This time the brigade had a passenger who desired to visit southern Illinois. The record of this trip begins on page 121 of Hubbard's narrative. This is alluded to on page 730 of Professor Alvord's redirect testimony. The travelers proceeded by the usual route to the fur trade posts on the Illinois river. Mr. Hubbard states:

> "We encountered the usual trails and hardships between Chicago and Starved Rock."

This winter proved an unusually good one for the fur traders, and as Mr. Hubbard writes, on page 124:

> "We had accumulated more furs and peltries than our boats could carry up the Desplaines River, and I was accordingly despatched with four boat loads to Chicago;
> 958 these I stored with Mr. John Crafts, and returned to the 'brigade,' when we all moved forward on our annual return to Mackinaw. A portion of our furs were shipped from Chicago, for the first time, in a small schooner which had brought supplies for the garrison."

During the winter of 1823-1824, Hubbard was again with the Illinois brigade, as is recorded on page 129 of his narrative. Since his destination was the Iroquois river, he decided to try the route thither by the St. Joseph and Kankakee, in order, as he says, to "save the remainder of the journey to Chicago, as well as the delays and hardships of the old route through Mud Lake to the Des Plaines."

He therefore left the rest of the party, who proceeded on to Chicago, as recorded on page 130 of his narrative.

In the spring Mr. Hubbard proceeded to Chicago, as recorded on page 132 of his narrative, and waited for the rest of the brigade at that fur trade post. In the fall of 1824, Mr. Deschamps resigned his position as commandant of the Illinois brigade and Mr. Hubbard was appointed in his place, as recorded in his narrative, page 136. This is referred to in Professor Alvord's cross-examination, page 505.

On page 136 of his narrative, Mr. Hubbard says:

> "I now determined to carry out a project which I had long urged upon Mr. Deschamps, but without success—that of unloading the boats upon their arrival at Chicago
> 959 from Mackinaw, and scuttling them in the slough to prevent their loss by prairie fire until they were needed to reload with furs for the return voyage."

Mr. Hubbard proposed to transport the goods and furs on pack horses. He says in regard to this on the same page, 126:

> "In this manner the long, tedious, and difficult passage through Mud Lake, into and down through the Des Plaines river would be avoided, and the goods taken directly to the Indians at their hunting grounds, instead of having to be carried in packs on the backs of the men."

By this I understand that he means that up to this time the traders who actually went among the Indians and visited them upon their hunting grounds had made other trips from the trading posts on foot, with their packs on their backs.

Thus, in 1824, the boats of the American Fur Company, for the first time since that company was established in 1816, did not travel by the Desplaines river. Although Hubbard did not use the Desplaines river for the trading boats, he did use it himself.

In the spring of 1825, as appears from page 140 of his narrative, he went to Chicago on foot to consult with Kinzie about
some goods which the latter wished Hubbard to buy for him
in St. Louis. When Hubbard, upon this trip, reached Chicago, he found that Kinzie had sent "two men in a canoe"
960 with a list of goods to meet him at Peoria. Hubbard
thereon "started in another canoe with an old Frenchman for Peoria," and he writes "we got along without trouble until we reached Peoria Lake." This is referred to in Professor Alvord's redirect testimony, page 731. Hubbard found that his men had a boat all ready, so he started for St. Louis "where," he writes, "we arrived in due season and without accident worthy of notice. I bought my goods, delivered them at Chicago, and returned as quickly as possible to my post at Iroquois (by which he means Iroquois river, a branch of the Kankakee river)."

Now, from this analysis of Hubbard's narrative which I have given, I arrive at the following conclusions; From the time of the reorganization of the American Fur Company in 1816, until the year 1824, the Illinois brigade sent out by that Fur Company under command of Mr. Deschamps came every year to Chicago in the fall. This brigade consisted of a dozen or more boats, each capable of carrying about 3,000 pounds of merchandise, besides the equipment of the crews, the clerks and their wives. Each fall these boats passed over the Chicago portage to the Desplaines river. In places they found sufficient water to float the loaded boats, but in some other places they were obliged, from insufficiency of water, to un-

load the boats. Now, I do not find in this detailed account by Mr. Hubbard, any evidence that the fur traders were
961 obliged to take the boats from the water in these passages, but they were at times forced to use poles to get them over the rocks and shallows. In the spring time these same boats, heavily laden with furs, returned to Lake Michigan, by the Desplaines and the Chicago rivers without difficulty.

As to whether there is any other passage in the life of Hubbard that throws light on the use of the Desplaines river, I should say there is a passage on page 150. It is an account of a visit to Chicago in the fall of 1828, of Governor Lewis Cass, Governor of Michigan Territory. Governor Cass had been upon a trip to Fort Snelling upon the upper Mississippi river, in search of hostile Winnebago Indians, who had been engaged in an outbreak against United States authority. According to Mr. Hubbard's statement here given, Governor Cass had proceeded from Green Bay up the Fox river and down the Wisconsin to the Mississippi. Upon returning from Fort Snelling, he descended the Mississippi river in a steamboat; then according to Mr. Hubbard:

> "On reaching the mouth of the Illinois river, the Governor (with his men and canoes, having been brought so far on the steamer), here left it and ascending that stream and the Desplaines, passed through Mud Lake into the South Branch of the Chicago River, thus reaching Chicago."

962 This exhibits to my mind the fact that the Chicago-Desplaines portage route was well known at this time and that Governor Cass, as a public official, used this route as a desirable one to proceed from the Mississippi river to the Great Lakes.

As to the weight historians would give this narrative of Hubbard's, including the various references to the use of the Chicago-Desplaines route as a means for trade or travel, I should say that these narratives must be regarded as conclusive proof, without reference to other sources, that the Desplaines river was frequently used for a number of years by the traders of the American Fur Company for the transportation of their boat loads of merchandise and furs between Lake Michigan and the Mississippi river.

963 Referring to the letter of Governor Cass to the Secretary of War, found in the record at page 226, I would say that Governor Cass was very familiar with the lake region

and its geography and commercial interests and realized
its fullest the importance of stopping the fur trade of
British in the waters and territory of the United States. T
letter before us commences on page 226 of the direct t
964 timony of Professor Alvord. It was written by G
ernor Cass to the acting Secretary of War for t
purpose of recommending to that official the erection
military posts in order to stop the operations of the Briti
fur traders in American territory, and to stop their
trigues with the American Indians, by which they soug
to arouse these Indians to hostile acts against the Unit
States. For this purpose Governor Cass recommends a p
be established at Chicago because one of the "three gre
channels of communication by which traders may introdu
their goods into the Mississippi and Missouri country fro
the British dominions" is "by the way of Chicago and dow
the Illinois." By the passage "by the way of Chicago a
down the Illinois," I infer that he means by way of the Cl
cago river, Mud Lake and the Desplaines river for the reas
that that was the well established route according to my u
derstanding of such evidence or such contemporary materi
as I have read and examined, by which traders were in th
habit of going from the Chicago to the Illinois river. I inf
that this route was so well known to Governor Cass that
thought it unnecessary to describe the route in detail, and
merely referred to it in these general terms.

965 Referring now to the statement of John Kinzie, foun
in the record, page 230, I would say that this is a lett
addressed by John Kinzie to Governor Cass, then governor
Michigan territory, in which Kinzie speaks of his familiarit
with the conditions at Chicago since he has been a reside
there for upwards of "twenty years." Kinzie then goes
to speak of the Indian tribes, "who inhabit the country b
tween the southern extremity of Lake Michigan and Michill
mackinac," but are forced in their search of game and
peltry bearing animals to concentrate on the waters of th
Chicago, Illinois and Fox rivers.

Mr. Kinzie goes on to state that these tribes are generall
hostile and on account of their intercourse with British tra
ers it is important for the United States that their good wi
be obtained. It is for that reason that he speaks of "The im
portance of establishing a military post at or near the pla

of their general rendesvous," namely, where Ft. Dear-
966 born formerly stood. He seems to regard this as the best spot, because he says:

"The navigation of those waters will in a few years become an object of great importance to the United States, as at present boats of several tons burthen can pass from Lake Michigan to the Mississippi River, there being only four and half feet difference in the elevation of the two waters."

Kinzie further claims that "A judicious system of policy will in a few years effect more toward conciliating the tribes that are hostile than a long, expensive exterminating war."

He regards the situation at Chicago in this letter "all important to the Illinois country, as it is the key of communication and has command of the trade of a vast territory and whose navigation serves to forward the returns of the merchants to Michillimackinac at a much lower rate than they can at present be forwarded by the Mississippi."

So far as I am aware no man knew the conditions at Chicago better than John Kinzie. Kinzie was a fur trader and at the time of writing this letter had been engaged in that trade in this region for many years. He says in this very letter that he had been competing with the British traders at Mackinac for a number of years. As such a trader and with such experiences I infer that he was intimately acquainted with the conditions under which the fur trade
967 was carried on, both by the British merchants and by himself, and that he regarded Chicago as a strategic point in that trade because it offered the key to the communication between the Illinois river and the fur trade of the upper Great Lakes. I infer that he was well acquainted with the route by the way of Chicago and the Desplaines river between Lake Michigan and the Illinois river, and he says in his letter with definiteness on page 232 that "At present boats of several tons burthen can pass from Lake Michigan into the Mississippi river, there being only four and half feet difference in the elevation of the two waters."

Now, in my opinion this man, Mr. Kinzie, in this letter before us, referred to but one water route, that which was commonly followed by the fur traders at that time. I infer that this route was so well known to himself and to his correspondents and to people generally at that time that he thought it unnecessary to denote the route in detail.

Turning now to the passage from Schoolcraft read in evidence, record page 331 I would say that Schoolcraft was a
man of very unusual intelligence. He possessed a very
968 rare knowledge of the west in his time. He had had very
large personal experience in the western country, and I gather from both his books and what I have read about him in contemporary accounts that he was a man of considerable scientific attainments. I should say that a statement coming from a man of this character who had the opportunity to examine the region and to talk with all kinds of people about it, would be important contemporaneous testimony. I should take it for granted that he had thoroughly familiarized himself with the customs of the fur trade of the region of the upper Great Lakes and the country bordering about them. Such testimony would have great weight with all investigators of historical matters and would be regarded as excellent proof from the historian's point of view.

On page 331 in Professor Alvord's testimony he refers to the "interlocking rivers and portages with the lakes," and in a list of these he cites the following:

> "1 By the Illinois and Chicago Creek (with Lake Michigan)."

Now, if these streams were as Schoolcraft states, interlocking, it seems to me that it infers a very slight portage.
969 I infer that he meant by the use of the word "Illinois"
the Illinois and Desplaines rivers on the one hand, and the Chicago creek on the other, as being the interlocking streams to which he refers.

He further states in this connection also on page 331, that "the routes by the Illinois and the Wisconsin were first laid open by French enterprise, and have been used by canoes and flat-bottomed boats in their natural state and without pratical improvement which as yet facilitates the communication, about 160 years." This sentence proves conclusively to my mind that Mr. Schoolcraft referred to the use of the Desplaines river as a well known and well established route connecting Lake Michigan with the Illinois river.

Referring to the Forsyth manuscript, which appears at pages 220-224 of the record, I would say that this particular document which you have handed to me is a certified copy of the original manuscript which is in my custody as secretary and superintendent of the Wisconsin Historical Society, and I have duly certified that this paper in question which was referred to in Professor Alvord's direct testimony, page 219 to page 221, is a correct and accurate transcript of the original manuscript.

970 (Whereupon there ensued a colloquy between counsel,
971 in which it was agreed that Dr. Thwaites should make a
972 further examination, and if the extract certified by him was not a complete copy of the manuscript, he should produce such complete copy, duly certified.)

As to the standing, character, and opportunity for observing distances and other data which Mr. Forsyth had, I would say that Mr. Forsyth was the United States Indian Agent at this time at Peoria, Illinois. He was a partner in the fur trade, and a half-brother of John Kinzie of Chicago. Forsyth had traveled over the upper half of the Mississippi valley very thoroughly and knew the fur traders, the Indians of the upper Mississippi valley and tributary rivers, and army officers and people of that character, as few men of his time did. This list of distances which is among the manuscripts from his hands in the possession of the Wisconsin Historical Society, was apparently a memorandum which he had made and preserved for his own official and personal guidance.

In the absence of testimony to the contrary, I should take his distances which I judge to have been obtained either
973 from personal observation or from the statements of other people who knew about the fact, made to him, or by both, as being as accurate as that of any other data of that period which I could hope as a historical investigator to find. I should have no hesitation whatever in citing this manuscript before me as original source material.

As to the light which this table of distances throws upon the use of the Desplaines river as a route for trade and travel, I should classify this list of distances as a relic of the past that has come down to us. It apparently was prepared for the convenience of travelers or other persons who had occasion to make use of this route of travel and very clearly defines the distances along the route. For example, it gives the distance to Mt. Joliet, or Mt. Julet, as he calls it, and from that point to Dry Trees, and from that point to the portage and then across the portage to Chicago.

In Wisconsin Historical Collection, Volume 11, on page 334, in the course of a letter written by Forsyth to Rufus Eaton, a delegate in Congress, under date of St. Louis, September 18, 1814, Forsyth says:

"Ottawas of Lake Michigan in their birch bark canoes

> can be very easily brought down by the way of Chicago and the Illinois River."

974 I should say that this further reference by Forsyth indicates that the route by the way of Chicago and the Illinois river was at that time a well established route. The above passage appears also in the record, page 224.

Now, turning to the extract from Major Long, which appears at page 247 of the transcript, I find commencing at page 247 of Professor Alvord's direct testimony, a very interesting and apparently careful description of the Desplaines river valley by Major Long, wherein he says:

> "The river Desplaines is a small stream rising in the lowlands bordering upon the west side of Lake Michigan, and has its general course in a southwesterly direction.
>
> * * *
>
> The river throughout the above mentioned distance, 975 has 4 or 5 short rapids or ripples that make their appearance only in times of low water. In every other part, it has the appearance of being a chain of stagnant pools and small lakes affording a sufficient depth of water for boats of moderate draught. In the flat prairie, above mentioned is a small lake, about five times in length, and from 6 to 30 or 40 yards in width, communicating both with the river Desplaines, and Chicago river, by means of a kind of canal, which has been made partly by the current of the water, and partly by the French and Indians, for the purpose of getting their boats across in that direction, in time of high water. The distance from the river Desplaines to Chicago river, by this water course, is about 9 miles; through the greater part of which there is more or less water, so that the portage is seldom more than 3 miles in the driest season; but in a wet season, boats pass and repass with facility between the two rivers."

Speaking as a historian, as to what significance I would 976 attach to the fact that this report is by a United States engineer, I should say that the fact that this report is by a United States engineer who was in this western country and had made a personal investigation of it for the purpose of reporting to the federal government the topographical conditions which he found here, and further that this extract is taken from that official report, would add great weight to the historian. It would be considered by historians as conclusive because of the fact that we have here an expert who was sent for the very purpose concerning which he is reporting, and it would be a dereliction of his duty had he made an untruthful report.

Referring to the Graham and Philips report, which appears
on page 255 of the record, I would say that this is also an
official report. Mr. Philips was, as I understand it, a judge
of the Supreme Court of the state, and Mr. Graham was, as
I understand it, the Assistant Secretary of War. I gather
that they were sent out here by the Secretary of War together
with a surveyor, Mr. Sullivan, for the purpose of surveying
the land ceded by the treaty of 1816. It consisted of a strip
ten miles wide on either side of the Desplaines river, and
977 in the course of their investigations and survey they must
surely have very carefully investigated the condition of
the country and the condition of the river; and in the course
of that investigation must have communicated with natives
and other persons whom they found in the vicinity.

Their report, as I read it, was in the nature of an official report of the conditions which they found in running this survey. Under such circumstances historical investigators would accept this report as a particularly valuable account of conditions as they existed in that region at the time of the report.

In their report they speak of the fact that between the head
of the Desplaines river and the Chicago river there is a gutter
which is dry in the dry seasons of summer and fall and
full of water in the spring, and when thus filled with water
that "boats of six or eight tons burden" engaged in the
Mackinaw-Mississippi fur trade run through, backwards and
fowwards so as to make no portage, or practically no portage,
between Mackinaw and the Mississippi. This expression "six
or eight tons burden" which I referred to, occurs on page
258 and also on page 255.

978 This statement by Graham and Philips the historian
regards as especially interesting, and he would accept it
as showing the general reputation of this avenue of commerce
at the time this report was made.

Turning to page 292 of the record, where I find an extract from a volume of Keating, I would say, as to the character of the document and the standing of the author, that Mr. Keating was the official chronicler, we might say, of this expedition undertaken for the federal government by Major Long. It was Mr. Keating's duty, as such chronicler, to observe and

to make memoranda for the purpose of making later on
979 a report of the expedition, of whatever he heard or observed. Hence his writings upon this expedition were of themselves in the nature of an official report, and as such would be accepted by historians as reliable for the region and the time upon which he reported.

This book is the statement which this official chronicler of the expedition, Mr. Keating, made up from the official notes he had taken. I would rely upon it as a historical investigator, and consider it of much value.

I would say that on page 296 of Professor Alvord's direct testimony, I find in Mr. Keating's report the citation of a statement made to him as follows:

> "Lieut. Hopson, who accompanied us to the Desplaines, told us that he had traveled it (the route by way of Chicago river and the Desplaines) with ease, in a boat loaded with lead and flour."

I should say that there was no occasion for Mr. Keating to invent such a story out of whole cloth, and to put it in the mouth of a member of the United States Army unless it was exactly as he recorded it. Therefore, I should consider his statement of what Lieutenant Hopson told him relative to this matter as reliable and valuable first hand testimony. As to whether there is anything else in this statement that is of
980 any value as showing the use of the Desplaines river, I would refer to Keating's book "Narrative of An Expedition to the Source of St. Peter's River," etc., published in 1825, page 165. Mr. Keating is here referring to the garrison at Chicago. He says:

> "The provisions for the garrison were for the most part conveyed from Mackinaw in a schooner and sometimes they were brought from St. Louis a distance of three hundred and eighty-six miles up the Illinois and Desplaines rivers."

This shows to my mind that the Desplaines river was at that time used by the Federal authorities for the purpose of transportation of commodities.

Referring to the record page 278, which is an extract reporting a trip by one Childs, I would say I am quite familiar with this passage. This is a statement by a man who actually made use of the Desplaines river on his journey from St.
981 Louis to Chicago. He states that he went up the Illinois river to the junction of the Kankakee and Eau Plaine;

then up the Eau Plaine to where he supposed he had to make a portage to the Chicago river. He says on page 280:

> "I could not see any signs of the portage. There had been heavy rains for several days, which had so raised the streams that they overflowed their banks. I concluded that I had gone far enough for the portage, so I left Eau Plaine and took a northeast direction. After traveling a few miles, I found the current of the Chicago river. The whole country was inundated; I found not less than two feet of water all the way across the portage."

As to how this statement would be considered by a historian in reference to classification of source material, I should consider this statement, being that of a man who had actually made the trip, to be a primary source for showing the actual use of the Desplaines river as a route for trade and travel.

Turning to the extract from Beck's "Gazetteer of Illinois and Missouri," read in evidence, page 236, I would say that early gazetteers of the western states are always considered by historians as good contemporary material for the rea-
982 son that they bear evidence of a combination of information obtained both through reading and from contemporary evidence of persons in and familiar with the region. These gazetteers and emigrants guides, as they were frequently called, were frequently published in contemporaneous editions, and appear to have had large sales. They were issued for the information of persons intending to immigrate to, or travel through the country and the intentions of the authors and editors of these gazetteers and emigrants guides was undoubtedly to make them accurate sources of information. The more accurate they were the greater the sale. They were, in fact, guide books for that time in those regions, and as such were intended to be correct. Beck's Gazetteer, which you have cited, was one of this class of books. Unless I had evidence that the information given in such a book as you have just cited was wrong, I should be inclined to accept it as contemporary evidence. I have not looked into the bibliography of that subject. I know from general reputation that many of the most popular of these gazetteers and emigrant guides were issued year after year in different editions. Coming to the extract from "Illinois in 1837,"
983 record 345, as to the standing of this work among historians, I would say that this book falls within the same class as Beck's "Gazetteer" about which we have just been

talking. The fact that this book was published by Mitchell is itself to my mind a guarantee of good faith, for that firm published a number of books of that character and had a reputation to maintain as publishers of guide books. Any contemporary guide book is, of course, liable to have errors, but unless I had evidence to the contrary, and the facts as set forth in this book we have before us seemed to be thoroughly reasonable, and comporting with other information which I received, or to which I had access concerning that region and time, I should accept such a book as contemporary testimony having considerable value.

Turning now to the extract from Flint, which appears in the record at page 323, I should classify this author, 984 Flint, as an able early historian of western history, a man whose books I would accept as a historical student, as excellent sources of information. I would do this for the reason that he seems to have made it a point to gather information concerning this western country much in the same way that historians of our own day collect their material. But, he was in the west at an earlier period in its formation than we are, and had means of talking with, and interviewing pioneers who were familiar with methods of travel and the routes of commerce in this western country.

The particular passage on which I laid special emphasis, is the following, on page 327 of Professor Alvord's direct testimony, where he says:

> "We have already remarked that at certain seasons of the year, boats of five tons burden already pass through the morass, from one extremity of which the waters are discharged into the Chicago of Lake Michigan; and from the other into the Plein of the Illinois; thus furnishing a natural communication between two rivers, whose outlets are so wide and opposite from each other."

This passage which I have just read indicates to me that at the time this book was written there was at any rate a general reputation that the Chicago-Desplaines route was a well established avenue of travel and commerce.

Referring to the book entitled: "Hoffman's A Winter 985 in the West," I would say that Hoffman was a well known literary man of his day. From an examination of his book I should say that it bears every evidence of its author having been a careful observer. I have seen no reason to doubt from an examination of this book that he personally visited most, if not all, of the scenes which he described, and that the volume is a conscientious record of his impressions and his experiences. I should regard his volume as excellent source material.

Referring to the extract from this volume read in evidence, record page 333, as to what light it throws upon the use of the Desplaines river as a part of the route for trade and travel, I would say that the author of this letter appears to have been well informed concerning the Chicago-Desplaines route. He herein describes with apparently full knowledge of the situation, the distance between the Chicago river and the waters of Illinois, and also the height of land to be overcome in its transit. He points out that Lake Michigan might
986 easily be drained into the Mississippi by this route, and on page 334 confidently asserts that boats of eighteen tons burden have "actually passed over the intervening prairie at high water." He further shows in the course of this letter how this route might be greatly improved by a canal. This clearly intimates to my mind that at the date of this letter, 1834, it was well known in Chicago that this route had been used for commercial purposes. The writer is apparently doing his part towards seeking an improvement of this route for a still larger commerce between the Mississippi river and the Great Lakes.

Referring to "The Navigator," an extract from which appears in the record at page 315, I would say that "The Navigator" was a river guide book which was issued in several different editions bearing different dates. It evidently was revised from time to time, or from year to year. It falls under the same head and classification as Beck's "Gazetteer," and "Illinois in 1837," the book about which we have just been speaking. That is to say, it was compiled by a person who apparently desires to furnish his readers with the
987 latest and most accurate information for the navigation of the Ohio river while emigrating into the west. If I may be allowed to speak from a personal point of view, I would say that about eighteen years ago, I myself took a canoe trip on the Monongohela and Ohio rivers of eleven hundred miles from Brownsville, Pennsylvania, to Cairo, Illinois. I had with me maps from a modern commercial Atlas, and a copy of this book "The Navigator." I was greatly interested to find that the maps and the other topographical information given in "The Navigator," were of a high order of accuracy, and often stood me in far better stead than the modern atlas.

This fact led me to have a very considerable respect for this book; and I will further say that this series of books called "The Navigator" issued in different editions from year to year is very much quoted by western historians as contemporary historical material.

On page 316 of the transcript the editor states with definiteness as follows:

> "Between a branch of the Illinois and the Chicago river, which empties into Lake Michigan, there is a portage of two miles; from this portage to the lake is a batteaux navigation of 16 miles. By this happy connexion of waters, there is a complete communication from New York to New Orleans, through that northern and extensive route," etc. 988

Later, on page 317, the editor says, in describing the route from the east to the west, that the traveler proceeds from Lake Michigan, "into the Chicago river mentioned above; thence down the Illinois and Mississippi rivers." * * * I should interpret this phrase, "a branch of the Illinois," to mean the Desplaines river branch of the Illinois.

Continuing from the quotation on page 317, the editor says:

> "This route" * * * "gives a wide scope to trade in general."

All of which convinces me that the Chicago-Desplaines route was at that time well known and accepted as an avenue of trade and travel.

989 Turning to page 301 of the record, which is an extract from the book entitled: "Drown's Record and Historical View of Peoria," I would state that this book falls within that large and interesting class of books of local antiquarian literature, which is compiled by some local antiquary, who has devoted years of investigation to his particular field of inquiry and has combined what printed testimony he could find with what manuscript material and oral testimony he could obtain from his neighbors, and from other persons who had lived near to the events recorded in his books.

Q. Referring now, Doctor Thwaites, to the various sources of historical testimony to which your attention has been particularly attracted in this examination, and limiting your answer to such testimony, having in mind the testimony which you had given as a historian in reference to the value of historical testimony, and its various kinds of source material, assuming that you were asked as a historian to determine the question as to whether the Desplaines river at, or near its mouth, was used as a route for trade and travel, what would your answer be?

Objected to as incompetent, immaterial and irrevelant, and that the facts sought to be established cannot be established by the conclusion of the witness.

A. As a historian I would answer your question as 990 follows: Giving due weight to all of the sources of information that I have examined, my opinion is that from the latter part of the 17th Century through the first third of the 19th Century, men engaged in the fur trade with the western Indians actually and quite regularly passed up and down the Chicago and Desplaines rivers in canoes and batteaux, Mackinaw boats, and other boats propelled by oars, or poles, laden with merchandise and furs; that these traders and travelers found a comparatively easy passageway by means of these rivers in the early spring, and sometimes at other seasons; that during times of drought such as often occurred in the summer and fall on most of the western portage routes between the Great Lakes and the Mississippi (as for instance, on the well known and much used Fox-Wisconsin portage route) the passage was sometimes difficult; but even then these fur traders appear to have succeeded in forcing their boats over the Chicago-Desplaines waterway, although, perhaps, they were obliged here and there to make some carriage at that time of the year, the length of the carriage varying greatly from season to season, and from year to year according to the stage of water.

I know Professor Alvord who has testified in this case. I have had occasion in my extended historical work to come in contact with some of his work. As to Professor Alvord's 991 standing among historians and his reputation for accuracy and reliability in his observations, I would say that Professor Alvord is very well known as a competent, well equipped and well trained historical investigator and writer, particularly in the domain of western history. I have a high opinion of his professional standing in this respect.

I know Professor McLaughlin who has testified in this case. I have frequently had occasion in my extended historical work to come in contact with some of his work. As to his standing among historians and his reputation for accuracy and reliability, Professor McLaughlin is one of the best trained historians in this country. His judgment in all matters of historical investigation, especially in the field of American history, would be accepted as of great weight, I am sure, by every historian in the United States.

992 Referring to page 896 of the record, there is a correction or explanation that I desire to make. Where Father Chauchetiere in the Jesuit Relations, Vol. 64, at page 143, is speaking of the progress of the Jesuit missions, he uses this language:

> "This year they have advanced into the interior (meaning the missions) in the direction of the Illinois and the Miamis who live toward the south at 40 degrees of north latitude."

993 From the fact that the 40th degree of latitude is about in the center of Illinois, Chicago being at 42 degrees, I infer that Father Chauchetiere here means the Illinois river; the time of which he is writing is 1694.

On page 898 of the record in reading from volume 16 of the Wisconsin Historical Collections, I overlooked the fact for the moment that there were two memoirs dated 1718; the first by Cadillac which as I testified before I believe to emanate from the time when he was Commandant at Mackinaw between the years 1694 and 1697. Second a memoir apparently written in 1718 by some unknown officer. This memoir number two written by the anonymous officer describes in great detail and very carefully the conditions that exist in the northwest.

At page 926 of the record I have inadvertently said that the Sieur de Vincennes who is mentioned there was the one who had a post at the place called Vincennes, Indiana, of today. Therein for the moment I misspoke myself. The Vincennes mentioned in the document before me was the elder Vincennes whose post was then on the Maumee, not far from the present Fort Wayne. It was his nephew who later had the post at Fort Vincennes.

Whereupon counsel for the government stated that Dr. Thwaites had had photographed a portion of the Hutch-
994 ins map of 1778, and that the government offered this photograph in evidence in lieu of the original map, unless there was objection; whereupon counsel for the defendant stated that there was no objection.

Counsel for the government thereupon offered a certified copy of the full document known as the "Forsyth Memorandum," and asked to substitute that in place of

the original "Forsyth Memorandum" introduced at page
219 of the direct testimony of Professor Alvord.

Objected to as incompetent, immaterial and irrelevant, and no proper foundation laid for the introduction of the document in evidence and no showing as to its authenticity sufficient to warrant its introduction. After
995 further colloquy counsel for the defendant stated: "There is no question that it is a correct transcript of the document to which Doctor Thwaites has referred; but as to the authenticity or competency as evidence of the original document the objection is maintained."

Which document so offered in evidence was in the words and figures as follows:

MEMORANDUM OF DISTANCES AS COMPUTED BY VOYAGERS—1814.

By

Thomas Forsyth,

United States Indian Agent, St. Louis.

A Manuscript in the collection known as the Forsyth Papers,

in the

Wisconsin Historical Society's Library.

Reuben Gold Thwaites, secretary and superintendent of the State Historical Society of Wisconsin, at Madison, Wisconsin, being duly sworn, testifies that the following is a true, correct, and complete copy of a manuscript which has for many years past been in the possession of said society, entitled "Memorandum of distances as computed by voyagers, 1814," and recognized by comparison to be the handwriting of Thomas Forsyth, who was for many years (including the said year 1814) the United States Indian Agent at St. Louis and elsewhere in the West; further, that the press-mark of said manuscript in the library of the Society, is "1T42," and is one of a collection known as "Forsyth Papers;" further, that the transcript below follows exactly the original, line by line, and page by page; further, that the size of the original manuscript is 4 x 6 1-4 inches; and further, that the photographs hereto appended are true and correct photographs of pages 3 and 4 of said manuscript:

[First page]

Memorandum of distances as
computed by voyagers
1814

Kitchewa Ketchequat
Shewanemat nechamunito mene
gaw wabeman nickcanedig
Nickconnenow Noshenabawean
Pisendowashin, Saguenen Ke
touck, nun indigo Kickannen-
on Mindowmine

[Third page—page 2 being blank]

t
Distance from S. Louis to Peoria
and from thence to different parts of
the country as computed by travellers

---

t

From S. Louis to mouth of Missouri	18
to Portage de Sioux	9
to mouth of Illinois	9
to Yellow banks or Movez Terre	84
to mouth of Sangamon	48
to Peoria now Fort Clark	72
	240
from Peoria to end of Lake	21
to Crow Prarie	24
to Prue's Marsh	15
to mouth of Vermillion the commencement of the rapids	30
to mouth of Fox River	18
to Coal bark	3
to falls	9
to Nettle Creek	15
to Sandy Creek	9
to Forks of Illinois River	6
	150

[Fourth page]

from forks of Illinois to Mount Julet	15
to dry trees	15
to the portage	15
across the portage	9
to Chicago	6
	60

t

Total distance from S. Louis to Chicago by water	450
but to go straight through the Piraries one third of this distance may be deducted	150
	300

From Peoria to Millwake Via Fox River—

From Peoria to mouth of Vermillion	90
to mouth of Fox River	18
to Main Pogue's Village on Fox R	36
to Little Rock Village	45
to the Great Woods	45
to Village in little Lakes	90
	324

[Fifth page]

brought Over	324
to Village in the Rapids	60
to Village on side of Prarie	30
to another small Village	6
to the Post of Millwakee on Lake Michigan across the Portage from Fox River	18
	438

from Millwakee to Chicago along the shore of Lake M	90

From Peoria to first Kicapoo T	45
to old Kicapoo Town	30
	75

From Peoria to old Kicapoo Town	75
to the Prophets town on Wabash	120
	195

From Peoria to Forks of Illinois t	150
to Cowpens on S. Josephs River by Land	120
to Detroit	240
	510

From Fort Wayne to Cowpens	100
to Lake Michigan, through by way of Terre Coupée Village	45
	145

[Sixth page]

brought Over	145
to Chicago along the Lake M	60
to Milwakee along Lake M	90
to Green Bay	135
	420

From Cowpens to Prophets Town	120

From Forks of Illinois to Mouth of River des Iroquois by water	60
to source of Kankeekee	120
	280

From Fort Russel to old Kicapoo Towns	180
to old Womans town on a fork of the Tipicanoe	120
to the Elk's heart	120
to White Pidgeons Village	18
to Detroit	195
	633

[Seventh page]

t

From S. Louis to Cap aux Gres	..
to Salt River	..
to the two Rivers	..
to Mouth of de moine	..
to Mouth of Rocky River	..
to Mouth of Ihowai R.	..
to Prarie du Chien	..

From Mouth of Ouisconsin to Portage	180
from portage down Fox R. to Green Bay	240
	420

---

from thence along the East side of Lake Michigan to to Makinaw	240
	660

[Eighth page]

gote	One
neeche	Two
Misway	Three
Créca	Four
Wianen	Five
Gotowasway	Six
Nock	Seven
Shawatsway	Eight
Shansway	Nine
Mittasway	Ten
Nushabetock	Twenty
Niswabetock	Thirty
Nieawabetock	Forty
Nianenmittennoe	Fifty
Gotwasmittinnoe	Sixty
Nocksomittinnoe	Seventy
Shawatsomittinnot	Eighty
Shangsamittinnoe	Ninety
Gotwocke	100

[Ninth page]

Kikawkeming wacoigen tebausset
copitch gootawkee, peashoat mida
Ness-cot-tin-ne-mage

Chicagomamaung wacoigen caw-
mayink chiquebiek Kitchecoming
Tebausset copich Wacoi-
gen gootawkee—
Ness-cot-tin-ne-meag
A celebrated Potawatimi Indian
an inveterate enemy of General
Harrisons

[Following page nine, are three blank pages]

REUBEN G. THWAITES.

Personally appeared before me this 13th day of January, 1911, the said Reuben G. Thwaites, to me well known as being the secretary and superintendent of the State Historical Society of Wisconsin aforesaid, and made oath to the correctness of the foregoing transcript and to the facts above set forth.

ANNIE A. NUNNS.

(Seal) *Notary Public, Dane County, Wisconsin.*
Commission expires Aug. 27, 1911.

(For copy of photographs above referred to in certificate to said document see Appendix ....)

Q. Doctor Thwaites, have you in the Wisconsin Historical Society collections other manuscripts of Thomas Forsyth than this manuscript?

Objected to as calling for the conclusion of the witness as to whether they were or were not authentic documents by Thomas Forsyth.

A. In the manuscript department of the Wisconsin Historical Society are contained a very considerable number
996 of Thomas Forsyth's manuscripts including one or more letter books by him in his capacity as Indian Agent both at Peoria and at St. Louis. Having frequent occasion in the course of my historical investigations to consult the Forsyth manuscripts, I consider myself familiar with the handwriting of Thomas Forsyth. The document before us I consider to be in the handwriting of Thomas Forsyth.

These manuscripts are frequently used by investigators in certain phases of western history, and, so far as I know, have always been regarded by them as they are regarded by us, as veritable manuscripts by Thomas Forsyth.

Objection: conclusion, incompetent, irrelevant and immaterial.

997 I am familiar with the early history of Wisconsin and Illinois in relation to the location of the boundary line between those states, and the discussion and the reasons for the settlement of the boundary as it finally was settled. The books which throw light upon the location of that boundary are Volume XI of the Wisconsin Historical Collections, in which there is a monograph of which I am the author, entitled "The Boundaries of Wisconsin." Commencing at page 494 of that volume and of that monograph I particularly consider the southern boundary of Wisconsin, that is, the boundary between Illinois and Wisconsin. I should explain by way of introduction that under the provisions of the Ordinance of 1787 the territory northwest of the River Ohio was to be divided into five states, three of them south of a line running

east and west between the latitude of the southern ex-
998 tremity of Lake Michigan, and two of them north of that latitude. One by one the states afterwards created south of that latitude induced Congress to grant them lake shore frontage to the north of that prescribed latitude. I then go on to state as follows:

> "In 1818 Illinois, the third state, (meaning the third state to be formed from the old Northwest Territory) applied for entry to the Union. The original bill for the purpose, as introduced by Nathaniel Pope, the delegate from Illinois, provided for the northern boundary prescribed by the ordinance. (Meaning Ordinance of 1787.) But, while his measure was still pending, he appears to have suddenly bethought himself of the advantages of giving to his state a share of the lake coast, and proposed an amendment making the latitude of 42° 30′ its northern limits. This was a bold move, for the additional strip of territory sought to be thus obtained for Illinois was 61 miles, 19 chains and 13 links in width, embracing a surface of 8,500 square miles of exceedingly fertile soil, and numerous river and lake ports, many miles of fine water-power, and the sites of Chicago, Rockford, Freeport, Galena, Oregon, Dixon and numerous other prosperous cities."

I cite as a foot note as my chief authority for this
999 statement, Ford's History of Illinois, at page 22. "Ford's History of Illinois from its Commencement as a State in 1818 to 1847," was published in 1854. I have a copy thereof before me. The author was Governor Thomas Ford. He died in 1850, before the book was published. In the introduction by General James Shields, General Shields says concerning Governor Ford:

> "The author, during his whole life, had very favorable opportunities for observing events and collecting information connected with the history of his State. He was yet a child when his parents emigrated to Illinois. On arriving at maturity he was there admitted to the bar, and practiced his profession for many years with very considerable success. He was afterwards elected an Associate Justice of the Supreme Court of the State, and discharged the duties of that responsible station with distinguished ability. Subsequently he was chosen Governor of the State, which was the last public office he
> 1000 held. From this office he retired to private life, and

during his retirement prepared this history for publication."

This book is regarded as one of the prime sources of information concerning the history of Illinois, particularly within the period 1818 to 1847 during which Governor Ford was a very prominent citizen and connected with most of the important public affairs of the State.

Upon page 20, Governor Ford, after setting forth the statement relative to the boundaries created by the Ordinance of 1787, as already outlined by me, writes as follows:

Whereupon the said excerpt was read into the record.

"Judge Pope, seeing that the port of Chicago was north of that line," (meaning the line of latitude impinging upon the southern limit of Lake Michigan as set forth in the Ordinance of 1787), "and would be excluded by it from the State; and that the Illinois and Michigan canal (which was then contemplated) would issue from Chicago, to connect the great northern lakes with the Mississippi, and thus be partly within and partly without the State of Illinois, was thereby led to a critical examination of the Ordinance, which resulted in a clear and satisfactory conviction that it was competent for Congress to extend the boundaries of the new State as far north as they pleased."

1001 Later, upon page 23, he says:

"It therefore became the duty of the national government, not only to make Illinois strong, but to raise an interest inclining and binding her to the eastern and northern portions of the Union. This could be done only through an interest in the lakes. At that time the commerce on the lakes was small, but its increase was confidently expected, and indeed it has exceeded all anticipations, and is yet only in its infancy. To accomplish this object effectually, it was not only necessary to give to Illinois the port of Chicago and a route for the canal, but a considerable coast on Lake Michigan, with a country back of it sufficiently extensive to contain a population capable of exercising a decided influence upon the councils of the State."

Whereupon counsel for the government offered the said passages from Ford in evidence.

Objected to as incompetent, irrelevant and immaterial.

Turning to volume IV of Margry, page 9, I would say
1002 that this is a petition addressed by:

"Le Sieur de Louvigny Capitane des troupes de la Marine en Canada, Ancien Commandant des pays d'en haut, et le Sieur de Mantet, Lieutenant, Ancien Commandant a Chicago."	Le Sieur de Louvigny Captain of the corps of the Marine in Canada, formerly commandant upon the upper lakes, and le Sieur de Mantet, Lieutenant, formerly Commandant at Chicago.

This petition, presented in 1697 to the French Minister of the Marine in Paris, under whose charge the French Colonies then were, is to the effect that Mantet and Louvigny be allowed to make fur trading voyage towards Mexico. Margry found this document in the French archives of the Marine. In this document Mantet styles himself: "Former Commandant at Chicago." He asks to be granted "the post of Chicago" which "is the passage to enter into the river of the Mississippi." The date of the memoir is the 14th of October, 1697.

Whereupon counsel for the government offered the original French as well as the translation by Dr. Thwaites, and asked to have them set opposite each other in the record.

1003 The citation of Mantet relative to his being formerly
Commandant at Chicago is in the title of the article
which of course would precede it.

The passage on page 16 was thereupon read in evidence, together with the translation of Dr. Thwaites, as follows:

"Pour cet effet nous supplions Sa Majeste de nous accorder le poste de Chicago qui est le passage pour entrer dans le fleuve de Mississippi."	For the purpose of accomplishing these results we entreat His Majesty to grant us the post of Chicago which is the passage for entering upon the river Mississippi.

Moreover Cadillac in his memoir already cited in my di-
rect testimony, page 896, says, speaking of the Miami, "The
post of Chicago comes next." In 1697 we find Cham-
1004 pigny in the Cadillac Papers in the Michigan Pioneer
and Historical Collections, Vol. XXXIII, page 75, using
these words:

> "The Sr. de Liette, a subordinate officer of the troops, cousin of the Sieurs de Tonty, commands at the post of Chicagou, in the country of the Miamis."

This Volume XXXIII, page 75, is one of the excerpts to which my attention was called on my direct examination. I will say in regard to Champigny, to explain his position, that Champigny was then the Intendant of New France, that is to say, the civil officer at the head of the civil administration of New France at that time, during the time of Governor Frontenac. He was an opponent of Frontenac and impugned all of Frontenac's motives and actions, as was the usual attitude of intendants of New France toward their governors. In this paper, Champigny is complaining to the government at Paris that Frontenac is giving special privileges to Tonty and that Tonty is not living up to his agreement to trade only at Fort St. Louis, and is trading all over the country, and that the Commandant at Chicago is Tonty's cousin, the Sr. de Liette. De Liette, according to my reading, must have been the successor of Mantet, who in that same year, 1697, addresses a memoir to the French Minister that I have just spoken about, the petition to be allowed to trade toward Mexico, in 1005 which he styles himself "former commandant at Chicago," and prays that the post at Chicago be given to him.

This shows that throughout this period of which I have spoken that there was at Chicago a post; a post might mean anything from a warehouse to a fort. It probably was a fortified warehouse, necessarily fortified in order to protect the traders' goods from the Indians round about and from rival traders.

Cross-Examination.

1006 This Hutchins map before us states, in the fine type, that it was published in 1778. As to whether to my knowledge Hutchins was in the country around Chicago prior to the publication of this map, I know Hutchins to have been at the British post at Green Bay in 1762. Was sent out to convey messages to the Commandants of the Western Posts concerning their relations with the Indians. Have no positive evidence that he was at Chicago. Know he made a trip in 1766 with Captain Harry Gordon, then Chief Engineer of the British Army in America, down the Ohio to the Illinois country, investigating the country along the way. On page 938 of my testimony I mentioned the maps he left as evidence

that he was familiar at least with the Wabash and Ohio rivers generally, also that he was in the Illinois country at large during 1769 and 1770. I said that that I take it for granted that while he was in the Illinois country, being an official geographer and undoubtedly gathering materials for a map of the country that he must have met a good many army officers, trappers, voyagers, and others who were
1007 familiar with the country and from them gained information which enabled him to make this and other maps of this region. Have no evidence that he was at Chicago or that he was in the neighborhood of Chicago. Without examining the book I cannot state whether the narrative of his journey down the Ohio with Gordon bears internal evidence that he was not at Chicago. Being asked if barring the excerpt I have read there is anything in Hutchins relating to Chicago or the immediate vicinity of Chicago, will say I have before me what purports to be an accurate reprint of Hutchins topographical description. After describing the Chicago-Illinois portage system, he goes on to give a general description of the Illinois country with its soils, the
1008 character of its settlers, the products, and so on, several pages being devoted to that showing apparently a familiarity with the Illinois country. I do not assume from this he was not at Chicago. He does not in any of his descriptions say he was specifically at the spot. It is a topographical description and he gives an account of the various rivers and various countries that he goes through and as we know that he was in the Illinois region he may well have been at Chicago. Cannot say he was not at Chicago. Counsel has stated that the answer is not responsive to the question, which was not whether there was evidence that he had been or had not been at Chicago but whether Hutchins refers to Chicago. I do not find in the book any specific reference to Chicago except the extract read, which was with reference to the Chicago-Desplaines portage. As they came down the Ohio river I could not say whether or not his trip with Gordon landed him in southern Illinois. Travelers often went up the Mississippi from the mouth of the Ohio river. He
1009 may have landed in the Illinois settlements at Cahokia, Kaskaskia and so on. That was the center of settlement in that region at that time. Cannot state specifically. My attention is directed to the words opposite the mouth of

the Chicago river "Chicago Indian Village and Fort at the entrance." I think a person who was at Chicago at that time would have been likely to have put that statement there. There may well have been the remains of a fort at the entrance. Do not know there was actually a fort there at that time. Being asked if, as a matter of fact, I know there was no fort at Chicago at that time will say I did not state in my direct testimony that there was a fort. I do not know that there was a fort at Chicago at that time.

1010 Q. Do you know that there was not?

A. I decline to answer that for there might well have been and I not know of it.

I edited Volume 18 of the Wisconsin Historical Collections, page 383, the editor's note, about something De Peyster, which is dated July 4, 1779, one year after this map. That note is that

> "There was no fort at Chicago at this period, although a trading house existed on the site."

The matter referred to in the text by that note was a statement

> "Eskhickagou, a river and fort at the head of Lake Michigan."

Looking at the map of Hutchins I note two small lakes are indicated, one connecting with the Chicago river and the other the Desplaines. Am hardly willing to accept this mark upon the map of the easternmost of the two you call Two Lakes as being necessarily the lake, but to answer your question I do not have before me all the maps of that period 1011 so I am hardly prepared to answer that question. Cannot refer to anyone that has two lakes there situated unless I have the maps of the period before me to refresh my memory. As to whether as a matter of fact there were not two lakes there in some of the testimony which has been presented in this case, the country is represented as being at certain seasons of the year very much flooded. It might well be that in a marshy country of this kind that at certain seasons of the year when the water was high that would appear to be to a passing traveler something akin to a lake upon the south branch of the Chicago. As to the records left which I have consulted I do not chance to remember any account that mentions two lakes on the portage between the Chicago and the Desplaines river.

1013 As to whether, without refreshing my memory, I know of any description in the evidence to which I have referred, which corresponds with this map of Hutchins, placing a portage at the entrance of the river and Two Lakes, except the Board of Trade Report and the Logan report, which place a fort at the mouth of the Chicago river and indicate Two Lakes as being in the portage, will say I have introduced evidence this morning to show that there was a French fort at one time at the mouth of the river. I still hold it may well have been that the remains of that fort were still there at the mouth of the river, as remains of that character, which had of course to include embankments, would probably remain for a long time. I am now referring to the post or fort mentioned in the latter decade of the 17th century. I do not recall any records that there was no remains of any post
1014 at the site of Chicago by the middle of the 18th century.

Have said that 40th degree latitude would place these Indians on the Illinois river. Would say in regard to these degrees of latitude as taken by the old French Missionaries and Explorers, their instruments were very crude, only general in character, the records they made of latitude. Since the Miamis were through the region of the Illinois river I infer that the Father had reference to those, the 40th degree of latitude coming somewhere about the middle of Illinois, and according to the map before me, which I think is correct, the 40th degree of latitude is somewhere below the mouth of the Sangamon, but have always accepted these references of latitude in the early travelers as being inaccurate, owing to the imperfection of their instruments.

1016 Q. In your direct examination you stated:

> "To be more specific, these contemporary documents may in such a case as this before us be letters, diaries, journals or memoranda written by men who had traversed the Chicago-Desplaines for trade route; or books written or printed by them about it. This is what we call primary original material, and under this head may be placed such documents or writings as books by Marquette, La Salle, St. Cosme, Charlevoix, Heward, Schoolcraft and others."

Had Charlevoix ever traversed what you call the Chicago-Desplaines fur trade route?

A. I am examining some memoranda, from some of which I testified on my direct and some of it I did not.

The inquiry covers so wide a range of date and of details that I am certainly not able to carry in my mind all of 1017 those details without refreshing my memory from memoranda which I have before me. Am consulting my memoranda before answering.

1018 Q. The question is, can you answer as to whether or not Charlevoix ever did or did not travel this route, without consulting your memoranda?

A. Certainly I can do that.

Q. Then do so.

A. But in the course of my answer I am going to examine my memoranda to refresh my memory.

Q. I have no objection only I want you to tell me first whether you can answer without consulting your memoranda.

A Certainly I can.

I have no evidence that Charlevoix ever traversed the Desplaines river, without consulting my memoranda. I 1019 know that I remember that he made but one journey, and that he took the Kankakee-St. Joseph route. Being asked if I do not know that he never traveled the Chicago-Desplaines route, will say, Alvord, at page 135, introduces this reference by Charlevoix. Charlevoix says that he was informed that there was not sufficient water at Chicago in September, which was the time of his trip, and that there were inconveniences in the Chicago-Desplaines route; and he refers also to inconveniences in the St. Joseph-Kankakee portage. It was a choice with him of inconvenience and upon mere information he appears to have chosen what he considered to be the lesser inconveniences and took the St. Joseph-Kankakee route; but Charlevoix does not say where in the Desplaines river there was not water enough. He simply says there was not water enough apparently at one place on the route. There was not water enough for him. 1020 Have already stated I do not think Charlevoix ever traversed the Chicago-Desplaines route but have referred to his intention of doing so. Having consulted my memoranda I do not consider he ever did make the Chicago-Desplaines trip, at least I have no memoranda to that effect. As to whether there is no statement in his narrative to the effect that at some places on the river, he does not mention where, there was no water for his canoe, will say have already said he mentions there was no water. He does not say where there was none, as I remember it. I remember the phrase:

"But as this river is but a brook in this place, I was informed that at that time of the year I should not find water enough for my canoe."

Q. He refers to the entire river as being but a brook, does he not?

Objection, the words speak for themselves.

1021 A. Do not know that he refers to entire river. Not having been over the route himself he is setting down the reports that have come to him concerning it.

He was a very careful man in accepting reports and observations, and a very competent and accurate observer, and undoubtedly sought the best information. In amplification of the answer should say that at the time of Charlevoix there was existing in the western country a general knowledge of the route between the Great Lakes and the Mississippi, and that he appears first to have sought the Chicago-Desplaines route, which shows to my mind that there existed among the class of people from whom he got the information, the idea that the Chicago-Desplaines was an established trade route for commerce and travel.

Counsel for Defendant. Move to strike out the answer as not responsive to the question, as volunteered and apparently intended to emphasize the fact that there was a route for travel by the Chicago-Desplaines.

Q. In your direct you say he appears to have turned aside from it owing to a storm. You excluded in your explanation as to why he turned aside the fact that he had been told there was not water enough in the river for his canoe. Do you not consider that as necessary a part of his explanation as the fact that here was a storm?

A. Yes, in the hurry of my statement I overlooked, although not intentionally, because I have already stated that fact in the answer above, that among the reasons which he had for not going upon the Desplaines-Chicago route was the fact that he learned there was not water enough for him at that season of the year.

As to whether it is true that the only reason he gives is that at this season of the year there is not water sufficient for a canoe, will say that I had in mind in giving 1023
my original testimony was this phrase in his letter, as given on page 134 of the record:

"It is now three days since I set out from this place for Chicagou, by coasting along the south shore of Lake Michigan; but we found the lake so stormy that we re-

> solved to return hither and to seek out some other way to reach Louisiana."

That was the letter that I had before me upon my direct testimony and was the letter upon which I was testifying as to which the Government called my attention. The Government called my attention to the letter appearing on pages 134 and 135 in which he said:

> "But being informed that at this season of the year there is not sufficient water for a canoe, I have taken the other route."

I say he sought some other route. That is his language. He was certainly aware of the existence of the St. Joseph route at that time. He is writing from the Fort on the 1024 St. Joseph river. As to whether I think he was not aware of it before he arrived at that point, I think he was quite aware of it because the St. Joseph-Kankakee was one of the well acknowledged and established routes.

Q. Do you know that he himself has written:

> "The river St. Joseph is so convenient for the trade of all parts of Canada, that it is no wonder that it has always been much frequented by the savages"?

A. Nevertheless he seems to have left it—

Q. I am not asking you nevertheless, I am asking you this question. We should not engage in an argument here.

A. I am not. At least I have not intended to. Do not hold a brief for the Government. I consider that he was probably quite as well informed in advance of his visit to this place, the river St. Joseph, of the St. Joseph-Kankakee route, as he was of the Chicago-Desplaines route.

Motion to strike out the answer as not responsive.

(Question read.)

A. Where do you find that?

Q. I find that in one of his letters, August 16th.

A. Is it in the testimony?

Q. It is not.

A. Will you show it to me?

Q. And it is not in that book.

A. It is not in that book ?

Q. No.

A. Where did you say you found it?

Q. In the Chicago Historical Society.

(Objected to until the book is produced.)

1026 I am not familiar with that statement of Charlevoix. As to whether, in view of the fact that Charlevoix stated that the St. Joseph route was the more certain, I think that my conclusion that he considered that the Chicago-Desplaines route was the best route is justified, will say the reason why I inferred that he seems to have preferred to go by the Chicago route is that at the very beginning of his journey he started out from the river St. Joseph, and first tried to go by the way of the Chicago, but the storm sent him back again and his second choice seems to have been the St. Joseph-Kankakee on account of the storm. I still insist on that reason. He says:

> "But we found the lake so stormy that we resolved to turn hither and to seek out some other way to reach Louisiana."

I think the fact that there was not water enough for his canoe was probably as great an obstacle as the storm which subsided, but he started out to go to the Chicago-Des-
1027 plaines river. I have just looked at several maps. Being asked if I know the relative distances between the mouth of the Desplaines from Chicago by way of the Desplaines; and the Desplaines from St. Joseph by way of the St. Joseph and Kankakee rivers to the mouth of the Desplaines, will say in answering the question, that for a man who was upon Lake Michigan, who wanted to get to the French settlements in Illinois, it would doubtless be a shorter route to go by the Chicago-Desplaines than by the St. Joseph-Kankakee. Do not recall how much shorter, I have figured it out and made a study of it in the past. Cannot remember such things and do not pretend to. I should be surprised to know that it was four times as great by way of the St. Joseph-Kankakee as by the Desplaines.

Q. If it be true that it is approximately that, would it not be surprising that Charlevoix would take that route if it was merely because of a temporary storm and not because there was no water to go in the Desplaines?

A. I do not understand the question in all its bearings.

Q. Coming now to Frontenac's report and your reason for translating the word "barque" into "bark" you stated that "at the time Count de Frontenac, in connection with La Salle's explorations and fur trade, was interested in exploiting this trade upon the Upper Lakes and toward the Mississippi river by sailing vessels"; that "The sailing vessel 'Griffin' was built above Niagara Falls by La Salle, and was his first venture in a new scheme for western fur trade trans-

portation." And you say "Having this fact in view I considered that the interests and the plans of both Frontenac and La Salle, who were to a large extent partners in this
1029 western fur trade exploitation, were particularly concerned in a method by which their proposed system of sailing boats, of which the Griffin was an example, could be profitably utilized in conducting the fur trade between the upper Great Lakes and the Mississippi river"; and it seemed to you "fully justified by the context to translate the French term "barque" into the English word "bark," which means a small sailing vessel, of which the Griffin was a type." You say you are "further strengthened in this view by the fact that Frontenac calls attention in this document to the assertion that his barques could reach the Mississippi river," and you refer to his various and far-reaching fur trade connections and his own intimate acquaintance with the character of the country, and you considered that "Frontenac would not have proposed to cut a canal at this point or in any other place for the purpose of the mere transportation of rowing boats or canoes; and that he must have meant a vessel of considerable tonnage when he considered the building of a canal."

As a matter of fact, was the work referred to, Frontenac's at all?

A. I was misled there from the fact that the question—

Q. You will please answer the question, was it Frontenac at all?

A. It was not Frontenac's. It was written six years
1030 before the Griffin was built, by Father Dablon, at Quebec, in 1674, as the narrative of Marquette's trip of 1673.

Q. Then the reason which you gave why you translated "barque" as "bark," could not have been the actual reason that you had in mind at the time you translated it?

A. It was, sir.

No, I did not consider that the Griffin had been built
1031 or that it was Frontenac's narrative and not Dablons.

Q. Did you then consider, and were you strengthened in your view by the fact that Frontenac "calls attention in this document before us to the assertion that his barques could reach the Mississippi river"?

A. I can best answer the question by explaining.

Q. If you will answer first the opportunity will come for the explanation.

(Question read.)

A. Certainly as I understand your question you asked m
whether my reason for translating the word "Barque" int
the word "bark" was influenced by the consideration tha
Frontenac and La Salle were interested in exploiting the fu
trade of the Northwest by means of sailing vessels. When th
question was put to me by the attorney for the governmen
on page 886, he says: "You will find set out there a transla
tion of a passage from Count de Frontenac," referring t
Professor Alvord's testimony at page 445. Now, I infer tha
Professor Alvord was led into error in regard to this matte
by the fact that as given in Margry, Volume 1, page 259, i
would seem to be an account by Frontenac. But it appear
in the Jesuit Relations, Volume 58, page 105, as an accoun
by Dablon. It having been stated in the question that it wa
by Frontenac. I forgot for the moment that it was by Dab
lon. Knowing that the document as appears in Margry i
apparently by Frontenac. But, the effect is exactly the sam
I remember that we use the word "bark" after considerabl
consultation in my editorial office, because at that time, th
time of this letter by Dablon, although written before th
Griffin was built, Frontenac and La Salle were interested i
sailing vessels upon the Upper Lakes, although the Griffin
which was one of this class, was not actually built by La Sall
until a few years later, 1678; but the fact that they were in
terested in sailing vessels at that time and were discussin
the project influenced me in translating the word b-a-r-q-u-
into b-a-r-k. The effect is the same although for a moment
was misled by the question of the government.

Q. Your attention was not only called by that question o
page 886 to the translation of a passage from Count de Fron
tenac, but you were asked, were you not, whether you ha
previous to the examination, read and studied that transla
tion, and you answered that you had and that it was you
translation, did you not, doctor?

1033 A. The page was pointed out to me in the Jesuit Re
lations and I will remember the conversation we ha
over this matter in my editorial office at the time we wer
translating that word. I did not turn back on that page t
refresh my memory at that moment that it was by Dablon.

As to whether I knew what question were going to be aske
me by the government attorney before I appeared on th
stand, will say some of them I did, some I did not. I di
know in advance that I was going to be asked why I tran
lated the French word "barque" into the English wor

"bark." The page was presented to me where the translation occurred and I gave my reason for translating it, based largely on my remembrance of the incidents that occurred in the editorial office when this translation was made. I was advised of the fact that I would be asked my reasons for so translating it perhaps a few hours before I was asked the actual question, after I reached Chicago, the evening before, but I did not spend my entire time studying up the word barque. I had other things to think of. I was consulted before I came to Chicago as to my appearing on the stand here or else I should not have come, by the representative of the government, Mr. Cressy. I had more or less conversation with Mr. Alvord. I do not remember that he came to Madison to see me in regard to the matter. He comes frequently to our library to consult manuscripts therein. I do not think Professor Alvord consulted me with reference to this case at Madison. When I came to Chicago I brought
1035 with me written memoranda of my testimony to be given
given in this case. I had been informed on the subject matter of my examination before I came to Chicago. I had not brought with me my explanation of the translation of barque. That was done while I was here. I was not aware that I was going to be asked concerning it until a few hours before and gave it but very little attention.

Q. You gave as a reason why you had translated in your printed translation the word "barque" as "bark," among other things, "That Frontenac would not have proposed to cut a canal at this point or in any other place for the purpose of the mere transportation of rowing boats or canoes; he certainly must have meant a vessel of considerable tonnage when he considered the building of a canal." And you say "that was a further circumstance which induced me to translate the original word "barque" into the English word "bark."

Did that circumstance induce you or in any degree tend to induce you to translate the word "barque" into the word "bark" when you made that translation?

A. If you will substitute for the name "Frontenac" the word "Dablon," I should say that it did influence me. Certainly the fact that a canal was proposed to be cut through at this time and that the project of using sailing vessels upon the upper lakes was then being generally discussed in New France, both reasons influenced me in translating it as I did.

Q. I will not substitute the word "Dablon" for "Frontenac" and repeat the question as it was asked.

A. The fact that the author of the letter, whether it was Frontenac, as seems to have been assumed in Margry, or Dablon, as it proves to have been in the Jesuit Relations, was discussing the question of a canal influenced me in making my translation.
1037 The reason which I give on account of his various and far-reaching fur trade connections and his own intimate acquaintance with the character of the country would not apply to the person who made this suggestion for cutting a canal if that person was Marquette, except so far as the maker of the suggestion, whether it was Marquette or Dablon, had a very general knowledge of the country. I am not aware that Marquette, the missionary, had any fur trade connections. He was not supposed to have had any, although sometimes the Jesuits were accused of having them. I do not consider that Marquette had any. As to whether Margry himself states it as being Dablon I would say he does; but if you will turn to the volume of Margry you will note it is rather peculiarly printed. On page 257 of Margry, volume 1, to which we have just been referring, it begins with the word "extracts of a letter of Frontenac to Colbert (the French Minister) under the date of the 11th of November, 1674," then it goes on without further stating who was the author to these things at all, until you get to this document that is called
1038 "Relation concerning the discovery of other countries situated in the middle of New France made in 1673," and the casual reader of this statement through here would infer on turning back to the heading that it was all a letter of Frontenac. I remember that when I was getting this material together for the Jesuit Relations it required a great deal of search on my part before I finally discovered that this document was really not by Frontenac but by Dablon. I had in mind a rather confused remembrance of it. The book does not show to the trained historian who was the real author of the narrative without specific examination. Assuming that the trained historian makes specific examination, the result is in my Jesuit Relations. As to whether I found in the document evidence as to who was the author of it, I would say I found it in another place as being by Dablon and turning to this I saw that this statement here, which is attached to the end of a letter by Frontenac, was really simply a repetition of Dablon's account; but my account of Dablon as given in

the Jesuit Relation was from an entirely different 1039 source. As to whether I can give my authority for the statement that prior to that time La Salle and Frontenac were interested in sailing vessels, I should have to go to the original sources. I have not them here. You will have to ask me to delay my answer to that.

As to when the relation between Frontenac and La Salle began, I would say sometime previous to the year 1679, but I do not remember the exact date. I should have to have some Life of Frontenac to ascertain. As to how much of a relation there was between Frontenac and La Salle in 1673, when this account of Marquette's was written, I would have to defer my answer and look up the facts. As to whether I have any reason to believe that when Marquette made his journey and made these observations which Father Dablon has taken down, he knew or had any means of knowing anything about any plans of La Salle and Frontenac for sailing vessels 1040 on the upper lakes, I cannot now recall any evidence that he had.

Q. If he did not, how could what he wrote as to cutting a canal or as to boats, have had any relation whatever to the plans of La Salle and Frontenac, and how could their plans enter into the proper interpretation to be given to the words that Marquette wrote, assuming that he had no such knowledge?

A. The writer of this document, concerning which you are talking, Dablon, suggests the digging of a canal. I do not recall of a single instance of anybody ever having suggested the digging of a canal for the transportation of the kind of boats that were used in the fur trade and travel at that period in the history of New France. I therefore consider that he was having in view a much larger kind of boats than those ordinarily employed by the fur traders.

1040 Motion to strike out the answer as not responsive to the question.

Q. You have stated that it would not have changed your translation, because Frontenac at this time was interested in sailing vessels upon the upper lakes. My question was how that fact could affect the proper translation to be given to Marquette's narrative, assuming that he knew nothing about the plans of La Salle and Frontenac?

A. In my original statement concerning the reasons for

the translation of the word, among the reasons I stated
1041 was that the canal would not have been suggested, in
my judgment, for boats of the size then used by the fur
traders in their western journeys.

Q. You did not so state, if I correctly understand your testimony. Your statement is that Frontenac would not have proposed it on account of his various and far-reaching fur trade connections and his own intimate acquaintance with the character of the country; that he certainly must have meant a passage of considerable size, and so forth. There is no place where you have referred to anybody else not suggesting it or that it would not be suggested by anybody who did not have these peculiar reasons for not suggesting a canal for any other purpose.

A. I have already stated why it was that I was misled for the moment into the thought that this document was by Frontenac, by the question of the government attorney, instead of Father Dablon, as established in my Jesuit Relations; and while to a considerable extent the phraseology of my answer was more or less affected by that, I am willing to admit all
that, I still maintain that the person who wrote the
1042 document having suggested a canal influenced my trans-
lation of the word.

I first discovered this mistake in regard to Frontenac being the author of this document when I reached home on Thursday last and began to read with prayerful consideration the testimony which I had given, I was very much annoyed and somewhat amused over the mistake which I had made. As to why if I discovered the mistake on my return to Madison I did not correct it with the other corrections when I came on the stand this morning, I would say I forgot it. I failed to put a memorandum in here at the time. I have a memorandum, however, of the mistake in my other notes, and I have
been giving it to you. I find no person who suggested
1043 a canal in those early fur trading days for such boats
as hunters and fur traders used; the suggestion of the
canal is in the document before us. In my judgment
1044 that could not have been intended to mean simply for
such boats. I do not remember any other suggestion
in the western country. As to whether I am aware that Hennepin, referring to the St. Joseph-Kankakee route, suggested the cutting of just such a canal to avoid the windings at the upper end of the Kankakee for the purposes of such boats as La Salle was using on the journey on which Hennepin ac-

companied him, I cannot answer offhand. I should like to see the reference. As to whether you may assume from
1045 that that I am not aware one way or the other without seeing the reference, I would say I have had the training of a historian, and this is to lay very little store upon my memory. I am accustomed to using notebooks in order to remind me of certain things in the multiplicity of facts in connection with western history. Therefore, I do not like to answer offhand. It is against my habit. Therefore I would like to see the reference.

Whereupon counsel stated that he had not the reference there. I do not remember that remark by Hennepin. I do not chance to remember it. I do not remember that Schoolcraft ever made such a trip over the Chicago-Desplaines portage personally. I do not recall giving any testimony
1046 about Schoolcraft being on the river if he was. As to whether I know that he attempted to traverse the river and was unable to do so for lack of sufficient water to float his canoes, I would say I would like to say that after I had reference to Schoolcraft before me. I intended to say that I did not remember. I do not remember the sentence referred to in the question of counsel, that Schoolcraft in the work published in 1825 described his voyage up the Illinois and the fact that the river at about where the Vermilion comes in, became so shallow that they could no longer proceed by water; that they sent for horses and made the trip to Chicago by land. My conclusion given toward the end of my testimony as to the uses of the Chicago-Desplaines river was based upon a careful analysis of all of the evidence of which the government did me
1047 the honor to ask my opinion. I took into full account the favorable testimony and that which did not appear to be so favorable, balancing one against the other and always having in mind the conditions under which the fur trade was prosecuted in the west by the French, British and American traders exclusively, and duly considering the inconveniences of the Desplaines river as set forth by the most unfavorable witnesses and contrasting these inconveniences with the inconvenience which appear to have existed on all of the many river and portage routes that had necessarily to be followed by these traders, I arrived at the conclusion set forth toward the close of my direct testimony. As to whether I took into account anything except the excerpts referred to in my direct testimony, I have just said that in addition to the testimony

which the government did me the honor to ask my opinion of I also took into consideration my general knowledge of the methods of the fur trade in the west and the relative conveniences and inconveniences of the various well known fur trade routes.

1048 In reply to the question as to whether I can refer to any other specific narratives or accounts or descriptions of this river and the use of it which I have in mind and which influenced me in coming to the conclusion which I did, I have said that I arrived at my conclusion upon a consideration of the evidence which the government asked me to pass upon, together with my general knowledge of the relative conveniences and inconveniences of other portage routes. I will now, if you wish, give you a statement concerning some of the other portage routes. I did not take into account the reference of Schoolcraft's recital of his inability to navigate the river. As to whether I have in my mind anything that bears out the statement that La Salle and Frontenac must have meant vessels such as they used or contemplated using on the lakes themselves, I would say La Salle came to Canada as early as 1666 and at once began acquainting himself with the country. Frontenac came out as governor of New France in 1672. Almost immediately they entered into relations for the fur trade, between each other as to whether they entered into any relations before 1673 it is impracticable for me to state exactly the moment that

1049 they entered into relations with each other, but we do know that very early after Frontenac's coming, I should say very soon after his coming, he entered into relations with La Salle for the prosecution of the fur trade, and together they established Fort Frontenac in 1674 which is the year that he recommends La Salle to the Minister, Colbert, in France. Now, then, if I may continue, Joliet, Marquette's companion upon the expedition of 1673, concerning which we have had some conversation this morning, was sent out directly by Frontenac in order to make relations with the Indian tribes of the west and open up the fur trade in that direction, with the far off tribes in this region; and it was in relation to the report of Marquette and Joliet that Dablon has reference.

1050 Motion to strike out answer as not responsive to the question.

(Question again read)

The Witness. I have nothing before me directly from La Salle that bears upon that statement.

As to whether I know that La Salle in writing concerning this statement of Joliet and Marquette, and after discussing the building of the canal, stated that it would be necessary to build a post at the bottom of Lake Michigan in order to unload there the goods brought in the ships and transfer them to canoes two leagues from there, I would say that unless I had before me the citation to which you allude I would not endeavor to pass judgment upon it. I do not remember recently having looked at it. Turning to Margry, volume 2, page 82, I do not remember to have seen it before. This statement is substantially as you have stated it. Referring to Hennepin finding the Miamis on the Fox river in 1680, I made that statement from some very hastily prepared notes, not knowing until a short time before I was asked the question that I was going to be asked in regard to it. At the recess for luncheon on the 10th day of January, 1911, when that testimony was given, Mr. Alvord called my attention to the fact that that which I had referred to as being a narrative of Hennepin was a narrative of Marquette, and I corrected my testimony, attributing the allusion to the Miamis which I had attributed to Hennepin, to Marquette.

Referring to Hennepin, page 910 of the record, my direct examination, I said that the account of La Salle's voyage to the river Mississippi may be by La Salle, or by some one else, giving an account of his voyage, and it conveys the impression to my mind of being a synopsis, or restatement of some report which the person who prepared this appendix for the English edition had somewhere seen as emanating from La
Salle to Frontenac, Governor of France. "I myself,
1052 do not know the source of that report," I would say
I edited the particular volume. As to whom I attribute the narrative in that book, I would say I reprinted Hennepin, and added notes. As to whom I treated in those notes as being the author of that narrative, about La Salle's voyage, I cannot see that when I was editing this book I did anything else but simply reprint it. At page 630 there is a note beginning: "The southeastern watershed of the Lower Pen-
insula of Michigan vary from 400 to 600 feet in alti-
1053 tude. Hennepin mentions it as 'a row of Mountains'
simply because it rises abruptly." That is simply an editorial slip. We were editing Hennepin, and for the moment in making the note failed to notice the chapter heading.

I should have said La Salle. The chapter heading reads "An Account of M. La Salle's Voyage to the River Mississippi. Directed to Count Frontenac, Governor of New France." There is nothing there to indicate who the author was. As to whether it purported when printed to be the work of Hennepin, I would say it purports to be a reprint of the work attributed to Hennepin with certain additions, of course. The title page reads among other things: "By L. Hennepin, now resident in Holland" to which are added several new
1054 discoveries in North America, not published in the French
Edition. As to whether you are to understand that as editor when I used the word "Hennepin" and attributed it to Hennepin it was simply a slip. I will say it would have been well in making out that note to have been a wee bit more cautious there, and to have said that in the above account of La Salle's voyage, whether it be in the language of Hennepin or quoted by La Salle, such and such a thing is referred to; but it was roughly alluded to as being Hennepin. It is one of those things, when I come to look it over, I am sorry I did not more fully explain.

Q. But do you not in attributing it to Hennepin agree with the result arrived at by various historians of standing?

A. To tell you the truth, sir, historians are very much at sea relative to the authorship of the appendix of the English edition of Hennepin; whether that appendix is by Hennepin or by some English editor who got out his book, or what not, historians are not agreed, they have no means of knowing. We are simply reprinting the book as it was printed in England, because it had become rare, and it seemed desirable to do so.

Motion to strike out the answer as not responsive to the question.

(Question read.)

A. I think my estimate of Hennepin as printed in the introduction is such as is generally accepted by historical records of standing.

1055 I cannot tell from the introduction of that narrative who wrote it, La Salle or Hennepin, and I do not think anybody else knows. I do not remember any historian's account making reference to this. I have testified on the direct that the appearance of this account of the Chicago portage in this English version of Hennepin's would not add any weight to the original account of the portage by La Salle. If it were by Hennepin it would be considered as additional contemporary testimony. As to whether it would be entitled to weight

for the reason that it was near to the time, in answering that question I would have to take into consideration the character of Hennepin. Father Hennepin was a roving man with
1056 a very irresponsible temperament. He was simply ac-
companying La Salle as chaplain. We find throughout his pages that he was vainglorious and boastful. I do not think that before this expedition he seems to have had very much training as an observer, and yet there is so little else of that character from that early time that we do consider him as a first hand eye-witness of Indian manners and customs acceptable to a certain degree, but always having in view his peculiar temperament. As to whether it is true that Hennepin's account of topography, falls, rivers and so forth, is very minute and, on the whole very accurate, and is so stated by Mr. Parkman, I would answer yes, on the whole that is so; but there is always present in Hennepin a certain note of exaggerated statement and evidence of prejudice. As to whether it is not true that Shea says of him, while admitting his vanity, that his figures are accurate except in the estimate of the height of Niagara Falls where Tonty is equally in error, I do not remember that passage, but I think the answer which I have just given is that of the judgment of historians generally. As to whether it is not true that historians generally accept his accounts, not of his own exploits or of demons or other fabulous animals, but his accounts so far as they
1057 are topographical, as minute and accurate, I consider
them fairly close accounts within the field wherein historians acknowledged that he traveled. As to whether there is any doubt about his having had an opportunity to be familiar with the region around the southern end of Lake Michigan, I would say Hennepin himself does not seem to have made the portage, but I think that he was in a position with La Salle upon the Illinois river to obtain information. He was on Lake Michigan, but he accompanied La Salle over the St. Joseph-Kankakee portage. As to which side of the lake he came down on I would have to refresh my mind on that because they sometimes came down one side and sometimes the other.

Q. I will ask you whether in this particular instance he came down the west side and whether in company with La Selle at the head of it put in from time to time at the natural harbors and on the west side of the lake?

Objected to as not proper cross-examination.

From a cursory reading of Hennepin's Narrative, it 1058 seems to me very confused as to which side of the lake he did come down upon; but from the fact that he seems to have visited Green Bay upon the way, I infer that he must have come by the lake upon the west shore. If it is true that Hennepin came down the west side of the lake and was then on the Illinois with La Salle, as to whether it would be fair to say that this account, if written by him, added nothing to the original account of the portage by La Salle, I have already said that I would consider it additional contemporary evidence. I should regard it as being in a measure so far as we can trust Hennepin, corroborative. Referring to my statement as to the reasons why I should reject Baron Lahontan's account of his travel over the Chicago portage, I said: "In the first place his description of the portage between the Illinois river and Lake Michigan does not accord with that of other travelers of that time. I cannot see in it any resemblance to the experience of other and thoroughly reliable and undoubted travelers of that time." The element in the description which does not accord with that of other travelers, is the story of his great land carriage in which he claims to have used four hundred men, does not seem to me to accord with the experience of other travelers. This account 1059 by Lahontan makes me believe that Lahontan had read the statement by La Salle which is referred to on page 84 of Professor Alvord's direct testimony in which La Salle is reported to have said: "It would be easier to transport by land the goods from Fort Saint Louis to the lake, 1060 making use of horses which it is easy to procure there." This would be a point of resemblance with La Salle's narrative rather than a matter of departure from La Salle's description. I think I stated this morning I do not remember the land carriage which Schoolcraft made.

Q. If it be true that Schoolcraft abandoned his canoe 1061 15 miles below Starved Rock and took to the land, would there be a great discrepancy between the great carriage that Lahontan referred to and that which Schoolcraft recites or narrates?

Thereupon colloquy ensued between counsel as to the right of the witness to inspect the reference to Schoolcraft which lay on the table before him.

A. In my direct testimony, at page 916, I made the point that "He made this voyage or pretended to have made this

voyage (referring to Lahontan) in April, 1689, at a time
1062 of the year when it is safe to assume that the water
in both the Desplaines and the Chicago rivers was at a high stage. Again, the walking across the open prairies at that time of the year, a low, soggy country, was probably very difficult. I should have said that boating in April would have doubtless been much easier for him than walking."

That Mr. Schoolcraft had a longer portage, as set forth in this account which you have laid before me, in the summer time, I should say accorded thoroughly with my conclusion in which I have stated that the length of the land carriage differed greatly from year to year and season to season.

1063 Motion to strike out answer as not responsive to the question.

A. You have asked me on what I based my conclusions.

Dr. Thwaites (continuing): I have stated there was no land carriage as great as that Lahontan named. As to whether Schoolcraft's portage was not as great, or Kennedy's was not as great, or St. Cosme's was not as great, with qualifications as to Kennedy, that this trip up was only to the forks of the Desplaines river, I would say Kennedy, if I remember rightly, only ascended the Illinois to a point about sixty miles below the forks and proceeded by land to the forks, because it was in August and, as he said, he could not get his canoes any higher up. St. Cosme says on page 54 that the portage was three leagues long when the water is low and only a quarter of a league in the spring. I
1064 thought you asked me if St. Cosme did not make as
long a portage as Lahontan, and I am reading from St. Cosme's account of the portage, in which he says: "The portage is three leagues long when the water is low and only a quarter of a league in the spring." As to whether he himself narrates a trip down the Desplaines, where he went overland because there was no water in the river, I would say you have now made your question so specific that I can
1065 understand it. I did not understand it before. I find
here another portage of two leagues and one from Isle a la Cache to Monjolly, seven leagues. Possibly he made other portages.

Q. Are you aware that the portage given here by Lahontan which all the trade and produce carrying, in the early set- corresponds, only is shorter, than the wagon road route by tlement of the country after 1830, was carried on to the head of navigation on the Illinois river?

Objected to on the ground that it calls for a conclusion of the witness upon assumed facts for which no basis has been laid in the evidence in this case.

A. I am not an Illinois antiquarian, and am not familiar in detail with the facts which you assume in your question, if they are facts. My conclusion was based upon the evidence which the government submitted to me for my opinion, the cumulative evidence.

As to whether it is consistent and in accord with the statement of La Salle himself that the water in April 1066 might not have been at a stage which would have enabled navigation at that time, I can conceive that it might have been dry weather in April.

Q. Is not the statement of Lahontan consistent in the particular covered by your second point, with the statement of La Salle, that navigation would only be for a short time, at most for fifteen or twenty days in the year, after which there is no longer any water in the river, that being Margry Volume 2, page 165 and 166; and his further statement on page 168, "The waters being always run off in the month of March?"

A. In judging the statement of Lahontan that he was obliged to make a long land carriage in the spring of the year, I had in mind particularly the statement of St. Cosme on page 57 of his voyage in which he said concerning the stretch from Isle a la Cache to Monjolly, "You must always make a portage, there being no water in the river except in the spring."

Motion to strike out the answer as not responsive to the question.

(Question read.)

1067 The statement by La Salle would seem to indicate that there might be springs wherein the river was at a very low stage, perhaps necessitating a long portage. I do not think the statements of Lahontan would be inconsistent with those statements of La Salle.

Q. I now hand you St. Cosme's account and at page 84 do you not find an account of a portage greater than that of Lahontan, as being made by St. Cosme, and I mean a portage to Chicago from the Illinois river along this route?

A. This account is not by St. Cosme but by one of his companions, Mr. Thaumur De La Source.

He made a trip with St. Cosme. He must have been the head of the expedition. According to this account by La

Source, one of the appendices to St. Cosme's voyage, La
Source being one of the companions of St. Cosme, the party
appeared to have been at what he calls the Tamaoris, which
I believe Illinois historians identify with Cahokia. They
made apparently from this account an expedition of thirty
leagues by land from Cahokia to Chicago. I don't know
1068 what the distance is from Cahokia to Chicago. Being
asked if it is about 300 miles I would not venture to say
without reference to the map and a rule. As to whether
as a matter of fact the statement that they had gone
1069 up the Illinois river before he makes any statement
as to the portage is not an indication that the start
of the portage was not from Cahokia, will say if any man
in reading La Source's account finds where he was at a given
time I should like to give him a prize. I consider this the
most confused account; in all the original material we have on
western history I know nothing so confused and maddening
as this. Have been of that opinion for a long time. Do not
judge from this that they were necessarily going up the river
Illinois. He says that they were at Tamarois, Cahokia, in
other words, and further

> "We arrived on Maunday Thursday," which is the Thursday before Easter, "At Chicagou after making thirty leagues by land."

How they went there would take a Philadelphia lawyer to
explain. As to whether Maundy Thursday, was in the spring
will say it was the Thursday before Easter. It ap-
1070 pears to be a rainy season. I do not so look at it that
he mentions the fact that they went up the Illinois river.
He mentions how many people there were at Tamarois and
that St. Cosme, at the time of writing that, is there at Cahokia. As to whether he says that "We came up the Illinois river" I would say I wish you would read the entire sentence and if you can get any clear idea of where he was I want to congratulate you. Let me just read this to you off the record.

Whereupon an informal discussion ensued between counsel and the witness.

Taking up my next point, the third, "That he misnames Tonty's fort on the Illinois" and calls it Fort Crevecour, as to whether the mere fact of his calling it Fort Crevecour instead of Fort St. Louis could lead me as a his-

torian to reject his narrative, I would say it was ope
1071 to suspicion. In rejecting a piece of historical eviden
one has to take into consideration so many factors th
I am not willing to say that upon one factor alone I a
willing to reject a certain piece of historical evidence. Bein
asked if I were to reject on that account alone I would have t
reject a great many of the sources where names are co
fused in that way, I would ask what you refer to and bein
asked if I would reject the narrative of Lahontan simply o
account of his using the words Fort Crevecour instead o
Fort St. Louis I would answer that that is only one, an
I am not willing to arrive at a historical judgment upon th
consideration of one factor.

Coming to my next point, I say:

> "At page 156 of his book, both in the original an
> in the reprint, is what he calls 'a general Map of Ne
> France, commonly called Canada.' The representatio
> which he gives upon this map of the Illinois River an
> what he calls 'The Land Carriage of Chekakou' is on
> which I should not think it conceivable for any man t
> 1072 have drawn if he had ever traversed the route."

Being asked, if it be true that Lahontan made th
land carriage he speaks of, would it not have been quite po
sible for him to have drawn that map as he did draw it, no
following the Desplaines River, I should say that the ma
who drew this map had a very good general knowledge of th
St. Joseph and Kankakee route, and the lower Illinois. H
seems to have a very misty conception of the Chicago rive
It is an excellent representation of the St. Joseph-Kankake
route, however.

Motion to strike out as not responsive.

(Question read.)

If Lahontan had made a land carriage from somewher
on the Illinois river to Lake Michigan which did not follo
the Desplaines, he might have drawn a map like this. Ha
he followed the Desplaines along the usual route betwee
the lake and the Illinois by way of the Desplaines he surel
would have noticed the Desplaines river and indicated it upo
his map.

Taking my fifth point, which I say is that he

> "credits Tonty with being respected and honored by th
> Iroquois Indians, whereas through a long period o
> years, including that mentioned by Lahontan, to-wit
> 1689, Tonty was waging a fierce war against the Ir

quois in behalf of his neighbors, the Illinois Indians. All these five points would convey to my mind cumulative evidence that Lahontan was not familiar with either the men or the region lying to the southwest of Lake Michigan."

As to whether his use of the word Iroquois is a verbal slip and he meant to say Illinois, will say I cannot possibly attempt to read Lahontan's mind. I simply know what he gave us in his book which I was reprinting. He said Iroquois. I do not remember that I ever attempted to read Lahontan's mind. In a note to this particular narrative on page 207 I certainly seem to have given a note suggesting that Tonty meant the Illinois and not the Iroquois. I was reading from the testimony as presented. I am still of the opinion that Lahontan was not familiar with either the men or the region lying to the southwest of Lake Michigan. As to whether or not my opinion as to the men is based upon this reference to Tonty, I should presume that Lahontan, during his life in the west, must have become reasonably familiar with the reputation of Tonty. Am inclined to think that my statement that he was not familiar with the men of the region might be qualified very properly by an expression of the belief that he must have obtained through his experiences in the west some idea of the general reputation of Tonty and possibly other traders in the region lying to the southwest of Lake Michigan. I do not now recall that before giving my testimony in this conclusion as to his lack of familiarity with the men, that I made any investiga-
1075 tion to any great extent into the affairs of Tonty and the other men in this region. I believe that Lahontan did know Tonty. I base that belief on simply one of those scattered remembrances that I have in my mind. It would require special investigation. I would say that judging
1077 from Roy's work or Lahontan that Lahontan, in his position as a commandant of a fort in the west towards the south end of Lake Huron, did become acquainted with such men as Perrot and Tonty.

Q. I am asking you whether Roy does not state that he became acquainted with those men at Mackinaw?

1078 Whereupon it was agreed between counsel that the objection of incompetent, irrelevant and immaterial and not proper cross-examination should extend to all this evidence as to Roy without repeating the objection.

On page 144 Roy asks the question, whether it were not possible that he encountered Du Luth, Perrot and La Durantaye.

As to whether Roy says that Lahontan had known Tonty, Du Luth and Durantaye, and that Lahontan was at Mackinaw when the remains of the unhappy expedition of La Salle arrived there in the spring of 1688, I will give the general answer that I think is quite probably that he did encounter these people during his experiences in the west. As to whether or not it is true that while Lahontan speaks of regions where information was accessible to him he was very
accurate, whether the information was from his own
1079 observation or from the reports of persons with whom
he had the opportunity to come in contact, I will say that within the region wherein historians are willing to accept that Lahontan traveled, he is regarded as a good first hand witness.

Q. Is not Roy authority for the statement referring to Lahontan (Roy 147):

> "Apart from these somewhat unlikely things which strike one in the face, it must be admitted that Lahontan knew how to weave cleverly the warp of his imaginary voyage. He takes care, for example, everywhere that he treats of a quarter well known in this immense region of the Mississippi, to say nothing but just what is proper, what he could have learned from other travelers, or that he could have gathered from Hennepin, Douay, Membre, or Thevenot?"

Objected to as not proper cross-examination.

A. It is a number of years since I have read Roy's account of Lahontan and can hardly be expected to remember it in detail.

The volume is open before me and it states
1080 substantially as you have translated it, and on page 146 it
states:

> "An extraordinary thing is that when Lahontan talks of known countries, of rivers already explored, like the Wisconsin, the Wabash, the Illinois, the Mississippi, the reader can find himself."

In a note on page 139, Volume 1 of my Lahontan I cite the New York Colonial Documents, Volume 9, pages 300 and 302, as my authority for the statement that Lahontan commanded Fort St. Joseph on the strait leading from Lake St. Clair to Lake Huron. As to whether at the time he assumed that he went off on the long journey he was at Mackinaw, will

say, as I remember it he was absenting himself from his Fort St. Joseph on a general trip into the northwest. He started to the southwest from Mackinaw, or said he did, to the western country. He did go from Mackinaw to somewhere and was gone for some months. Left Mackinaw on the 24th of September of that year. He was absent during a
1081 long period when there seems to be no evidence of where
he was outside of his own account. According to Roy he started from Mackinaw with his soldiers who had just received their wages and went to trade somewhere. He says he came back by way of Lake Michigan. The next matter taken up in my direct was the British Board of Trade Report in 19 Michigan Pioneer and Historical Collections, page 5, referred to in Alvord's examination at transcript 132.

Q. You state in regard to that that you consider this report was made by a man personally familiar with the western country?

"It reads as though it were made up from accounts or narratives that he had seen or heard, or of maps of the region he had examined."

1082 Is it possible that a man personally familiar with the
region would have referred to Fort Miamis situated on the mouth of the Chicago river, if he had meant the present site of Chicago?

A. A fresh reading of this citation makes this description seem to me a little plainer than it did before. I think the author clearly had in mind the Chicago river and portage.

Motion to strike out as not responsive.

(Question read.)

I believe he means the site of the present Chicago. As to whether he could have been familiar with the region, in view of the fact that he mentions Fort Miamis as situated on the mouth of the river Chicago, will say his description of the Chicago-Desplaines portage appears to me fairly close and there certainly had been a post at the mouth of the river Chicago.

Motion to strike out the answer as not responsive to the question.

1083 I don't remember any post ever called Fort Miamis at
the mouth of the Chicago river. I remember a Fort Miamis on the St. Joseph. This is dated at the top 1721-1762. I do not discover any other date about it myself. It might be a misprint of 1721 and 1722. As to whether there is any record anywhere except this passage in Logan of any fort

on the Chicago river ever having been called Ft. Miamis I do not remember any other reference to the old fort at Chicago being called Fort Miamis. Except for the references that I have called attention to in my direct testimony it is not true that there are no references to any fort or post at Chicago. I have some other references.

I will be pleased to give them to you when you get through analyzing this passage.

DR. THWAITES (continuing): This passage indicates that there were two lakes. As to whether the St. Joseph portage had the two lakes, I would say I have no data before me to remind me relative to the conditions of the St. Joseph route, relative to this particular. I have now before me the map to which my attention is called in the first volume of my Jesuit Relations. It shows two lakes at the upper waters of the St. Joseph and Kankakee. It does not show any lakes at the Chicago portage. It is merely generalized here. As to whether it is true that there is no map except the map of Hutchins which shows two lakes at the Chicago portage, I would say in St. Cosme, page 53, I find a note of the Jesuit Father's mission being built on the banks of a small lake which does not seem to be Mud Lake because that is mentioned later. I have not examined the original to see whether the word is translated there "lake" is really "lake" or "river." 1085

Q. If it should be true that it is a mistranslation and that the word is river, then your citation there would have no pertinence to the question I asked, is that not true?

Objected to on the ground that the original French is not shown the witness so that he may correctly answer the question.

A. Somewhere else in my testimony I have alluded to the fact that owing to the high water existent upon the Chicago portage and in the Chicago river, it might well happen that at certain seasons of the year there would be one or more lakes or large ponds in addition to the accepted lake, Mud Lake. I have here some evidence in regard to that possible condition of affairs.

Motion to strike out answer as not bearing any relation whatever to the question.

Whereupon the question was again read.

1086 DR. THWAITES (continuing): If the original of St. Cosme's journal uses a word which might more properly be interpreted "river" than "lake," then I should say the force of this particular quotation from St. Cosme would be lost; it would have lost its force. I do not recall any other map than Hutchins map which shows two lakes on the Chicago portage. As to whether the map showing the situation at the St. Joseph portage very generally shows the two lakes, I will say the only map I have before me, the one contained in my Jesuit Relations, does specify or indicate two lakes at the head of the Kankakee river.

1087 Referring to the statement made by me on the direct that the Board of Trade report reads as though it were made up from accounts or narratives that he had seen or heard, or of maps of the region that he had examined, I will state that I did not make any investigation to ascertain the source of that statement in regard to the Board of Trade report. I simply based it upon the evidence that was laid before me. I do not know as to whether it is practically taken from Logan's report. The passage on page 129 of the record, attributed to Mr. Logan seems to read word
1088 for word with the Board of Trade Report concerning which we have just been talking. The Board of Trade report omits the phrase in the Logan report: "This
1089 fort is not regularly garrisoned." Allow me to make a correction at page 919, the last line. When I came to read this transcript, I did not notice it at first, but what I intended to say was: "I should consider that this report was made by a man not personally familiar," and so forth. The remainder of the answer indicates that that was what I meant, because I go on to say why I considered him unfamiliar with the region.

Whereupon the following question previously asked the witness and deferred was again read, as follows:

"Q. At the date of Logan's report, which was three
1090 years earlier than the Board of Trade, Fort Miamis stood on the St. Joseph river, was known by that name, and was not garrisoned; is that not true?" ,

A. In answering your question, it is necessary for me to dissect the question. Where you use the words "at the date" (meaning 1718) "of Logan's report," whether a fort known as Fort Miami was situated at the mouth of the St. Joseph river; I should say no. If you were to ask me, had there once been a fort known as Fort Miami at the mouth of the St. Joseph river, I should answer yes, La Salle's fort built in 1679 and destroyed by La Salle's men in 1680. If you were to ask me, had there been a fort possibly known as Fort

Miami at the mouth of the Chicago river, I would answer yes, between the years 1690 and 1697. If you were to ask me where Fort Miami was at the time of this report I should say on the River Maumee.

I consider that an answer to the question as far as I can answer it.

Q. You have assumed many things "If I had asked you," which I did not ask you. Among others, that if I had asked you if there had been a fort at Chicago known as Fort Miami.

A. Yes.

1091 As to whether outside of the reference to Fort Miami at the mouth of the St. Joseph, contained in Logan's and in the Board of Trade report, I can refer you to any source or any excerpt which speaks of a fort at Chicago as Fort Miami, will say I do not know or recall any evidence beyond the fact that Father Hennepin's map locates Miami at the mouth of the Chicago river, as testified by
1092 me at page 920.

Whereupon the map referred to was handed to counsel.

It being stated that I said that that shows Fort Miami north of the Chicago river, and asked if that is my judgment of what the map means, will say that in my direct testimony I said that I judged the author of the report had examined, among other things, a map published in Hennepin's "A New Discovery," which is the map before you. If I said that that map of Hennepin's showed the Fort of the Miamis north
1093 of the Chicago river then I am mistaken. A person looking casually at this map, would, I am quite sure, come to the conclusion that Father Hennepin, or whoever drew the map for him, located the Fort of the Miamis at the mouth of the Chicago river, because the river upon which he located this fort enters from the southwest corner of the Lake of the Illinois. But if you were to ask me, as I believe you have, as to what my intepretation is—

Q. I am asking a historian, not a casual observer; I am asking a man who testified that he located it at the mouth of the Chicago river.

A. I was testifying of the casual observer, meaning the author of the Board of Trade report, as to what influence this map would have upon him.

1094 I, myself, as a historian, in studying this map, in spite of the fact that Hennepin makes his river on which the Fort of the Miamis appears to enter the lake from the south-

west corner in the position where the river Chicago is, believe that from the location of his portage and other evidences, that what he means to indicate by this river is the river St. Joseph. The Chicago river is near the southwest corner of Lake Michigan. It is some considerable distance north of it. Being asked if it is indicated on his map by a stream having a north and south branch and near the head waters of the Desplaines, will say he indicates there a considerable arm of the lake spreading up into the land into two branches, whether he means a river there or an arm
1095 of the lake I do not know. Being asked if, except for
the thickness of his lines, it would not correspond pretty well to the Chicago river, both in its direction and its relation to the Desplaines river, will say that in general terms, although crudely and inaccurately done, the draughtsman of the map had in mind the Chicago and Desplaines route. As to whether it is an indication of the accuracy of the observation of Hennepin that he makes it look like the arm of the lake, which it is represented by many writers to be, rather than a river, will say some writers have said that it very much resembled an arm of the lake at high water. Our friend Hutchins represents something of the sort when he puts in his little lake. Am not familiar with the topographical details but from my general knowledge I judge that the Chicago river was without a current, not depending on watersheds for supply and lying as an arm of Lake Michigan.

Q. On this suggestion that Hennepin put the Fort Miami at the mouth of the Chicago river, which was your testimony, knowing the history of Hennepin and knowing that he was with La Salle at the St. Joseph, is it conceivable that he could have made the mistake of putting Fort Miami on what he intended to mean as the Chicago river, in your judgment as a historian?

A. From the fact that I testified I believed the writer of the Board of Trade Report was influenced in his judgment by a cursory examination, if you will, of Hennepin's map, which apparently to the casual observer located Fort Miami at the mouth of what to the casual observer would seem to be the Chicago river.

I find no evidence anywhere which justifies the assumption that there was constructed a Fort Miami at Chi-
1097 cago, or suggested one, nor have I found any indication
on any map outside of Hutchins that there was any fort at the mouth of the Chicago, but I have documents—As to

whether it is true that the maps of the period, during which this statement of the Board of Trade was made, show a Fort Miami at the mouth of the St. Joseph river cannot remember offhand, would have to see the maps. If it be true that the Board of Trade report is made up from maps of the region which the writer had examined, then existing when he spoke of Fort Miami, I believe Hennepin's map is of such a character that he might be misled by it into thinking that Fort Miami was on the Chicago river.

Q. If so he could not have been the accurate person that you have hypothesized, if there is such a word—

A. I said that he was not familiar.

As to whether I know that the map of de Fer of 1705 shows Fort Miami at the mouth of the Miami river, I would say it is some time since I have examined the map of Defer, but as you show it to me it certainly indicates Fort Miamis as being upon the St. Joseph river. I have suggested that possibly the writer of the Board of Trade report might have seen the Hennepin map. The date of the publication of that map is 1698. As to whether the person who examined that map, noted the course of the Desplaines river, the indication of the Chicago river, the river upon which Fort Miamis is situated, the portage from it into the Kankakee, if he were a person whose report is of any value—is it conceivable that he could have been misled by Hennepin into believing that Fort Miamis was on the Chicago river, I would say that I think the casual
observer of the map would be misled. I stated that I
1100 do not vouch for the accuracy of the author of the Board
of Trade report. As to whether the statement of such a person is of any value whatever in arriving at a conclusion in this matter if the person who wrote that report made up that statement and was misled by Hennepin's map into placing Fort Miami at the mouth of the Chicago river, I would say I have already stated that he seems to be on pretty solid ground when he is describing the Chicago-Desplaines portage.

1101 Referring to the map entitled "Carte Particuliere du
Fleuve," which Professor Alvord stated to be generally
attributed to about the year 1700, this map shows a Fort St.
Joseph upon the St. Joseph river, but it is placed in such
1102 a general way that I cannot say whether he intended
it to be at the mouth of the river or farther up on the
river. May I say that my eye-glasses seem a little foggy this morning. I see that I was looking at Lake Huron instead of

Lake Illinois. This map which you have just shown me indicates that towards the mouth of what the author of the
1103 map undoubtedly intends to be the St. Joseph river, are these words "Fort de Mr. de La Salle." Farther up the river he locates a village of the Miami Indians.

Whereupon counsel for the defendant moved to strike out the latter part of the answer as bearing no relation to the question.

As to whether Fort Mr. de La Salle was not Fort Miami, I would say the fort which La Salle built and which was temporarily occupied for about a year was called the Fort Miami. I do not find on this map any evidence of a fort near the site of the modern Chicago. Referring to Moll's map, 1725-29, I find upon this map somewhere near the mouth (it may be miles away according to this map) somewhere near what the author of the map apparently intends for the River St. Joseph, Fort La Salle. I do not find upon the map of de Fer any indication of a fort at Chicago. As to how many forts there were on the St. Joseph during the early part of the 17th century, I only know of one fort called the Fort St. Joseph. Charlevoix referred to it in a letter dated "River St. Joseph, August 16th, 1721," already offered in evidence, wherein he says, describing his trip to the fort from Lake Michigan: "You afterwards sail twenty leagues in it (meaning the St. Joseph river) before you reach the fort, which navigation requires great precaution." I know of no other fort than the Fort St. Joseph at that time, 1721. As to whether I am aware that the maps of the period about the time when Mr. Logan's report was mentioned did show a fort at the mouth of the St. Joseph and none at the mouth of the Chicago, I would state that I find upon the maps you have shown me, and concerning which I have just testified, indications of La Salle's fort, but I believe that what they have reference to are the ruins of La Salle's fort, which must
1105 have existed at that time. As to whether I think that a person making such a report as Logan's, not familiar with the ground and not on the scene, could have had any impression conveyed to him by examining those maps, that those were ruins and not a fort, I would say I have had a great deal of occasion to study old French maps, and I have often discovered that a fort once located upon a contemporary map, or other places, besides forts, will often remain upon the maps of subsequent period for a long time, like Lahontan's river Long, which remained upon the maps of the United

States drawn by European cartographers 100 years after Lahontan pretended to have visited it. As to whether by such facts writers and map makers are deceived, I will say some might be; others might not be. It would altogether depend upon the extent of their information. One is obliged to read into an old map a great deal between the lines. As to whether there is anything upon the map of DeFer which shows a Fort Miami at the mouth of the St. Joseph river which could suggest to any one the reading into it that it was a ruin and not a fort, I would say not on the map itself, but the historian has recourse to other sources of material besides maps. As
to whether Logan was a historian, I would say I have not
1106 seen his name in any list of historians. Otherwise I
am not familiar with what his status was. As to whether it is likely that Logan was a historian whose conclusions were entitled to be accepted if you had not seen his name in any list of historians, I would say I had not been considering Logan as a historian. I had been considering him as a witness. As to whether Logan was a witness familiar with the ground, I did not testify in my direct testimony, I believe, relative to Logan, and I have not particularly examined Logan's biography.

Whereupon there ensued a colloquy between counsel and the witness as to what the witness meant by the statement
that he had been considering Logan as a witness.

1109 I should be unwilling to answer the question asking
me to give any reason that I know why any weight should be attached to Logan's opinion until I had had an opportunity to examine into Logan's career and his position at the time. I must confess myself unfamiliar with Logan.

Q. Then you have not considered him as a witness if I understand you correctly?

A. When I said that he was a witness, I merely meant that that was one of the things you asked me to pass an opinion upon. I had supposed that testimony of that kind that you asked my opinion upon, each item of it, was an element in the testimony.

As to whether it occurs to me that counsel did not ask my opinion of Logan until I volunteered that I had considered him as a witness; that all counsel asked me was where the Board of Trade report came from and called my attention to Logan, will say I have explained how I considered him and why, because my attention was called to it.

Whereupon counsel for the government objected to further questions regarding Logan, and moved to strike out testimony referring thereto, on the ground of not proper cross-examination.

Potherie's account was generally considered by historians as a translation of the Memoirs of Perrot. I have not the exact date when it was published. Some time within the 19th century prior to 1850. Have forgotten what date that was. Could only guess at it. At times it speaks in the third person. Whether it does throughout the entire book I have forgotten unless I have the book before me to refresh my
1111 memory. I am not aware that Shea, writing in 1861, says that Perrot's work is still unpublished and that he has it.

Q. Do you remember that he also says that Perrot does not mention Chicago at all? Referring to a statement in Charlevoix's use of Perrot to the effect that Perrot came to Chicago to meet the Miamis there, and that Shea says in a note he does not mention Chicago at all.

Whereupon counsel for the government objected to the question on the ground that Volume 5 of the Historical Magazine, page 104, the book in which the passage is stated to be, was not produced for the purpose of permitting the witness to examine it.

1112 My testimony given on the direct at page 893 refers to a sentence extracted from La Potherie in Wisconsin Historical Collection, page 150. That was the passage upon which I testified as indicating from a phrase which Perrot used at a time when he was on the Fox river in Wisconsin, in talking to a number of deputations of Indian tribes, he referred to the Miamis having been slain at Chicago. I have not testified anywhere relative to Perrot being at Chicago.

Motion to strike out the answer as not responsive to the question.

Whereupon the question beginning "Referring to a statement," etc., was read to the witness.

He answered as follows:

1113. A. Unless I had Shea's volume before me, I would not be able to state whether Shea said that or whether he does not say it; but I still insist that it is outside of my direct testimony and bears no relation to it.

I testified at page 901 my conclusion that Charlevoix was not aware of the existence of Miamis anywhere else than at Chicago in 1721. As to whether at this time Charlevoix was among the Miamis on the St. Joseph, I would say that yester-

day, in offering corrections to my direct testimony, where I
had unintentionally misstated myself, I overlooked the fact
that I desired to correct my phraseology at this point. What
I really meant to say at page 901 of my direct examina-
1114 tion was this, that Charlevoix "knew of no other tribe
than the Miami as having been at Chicago." The testimony which I gave, to which I have alluded and which I have now corrected, was given on the 10th of January; it is page 901 of my direct testimony. I discovered that error on reading the copy which was sent me at Madison for the purpose of correction. As to whether the context of Charlevoix shows clearly that the Miamis were about him on the St. Joseph river at the time he was writing, I should like to have a look at that context before I decide that point. If I may add a few words to my last remarks, I beg to call attention to the fact that my testimony was wholly based upon Charlevoix's account of Marquette's voyage and not of his voyage. As to whether it is true that Marquette in neither of his journals
mentions any Miamis being at Chicago, I do not re-
1115 member, but Charlevoix, who was getting his information
second hand, knowing Marquette to have been among the Miamis in that region, supposed they must have been at Chicago. He seems to have considered Chicago to have been the center of the Miamis from his remarks.

I have been familiar with Marquette's journal. As to whether it is true that there is no reference in Marquette to the Miamis as having been at Chicago, I would say that is a fine bit of antiquarian knowledge that I should have to refresh my memory about by an examination of Marquette's Journal.

Q. I will call your attention to the statement by Shea, Five Historical Magazine, at page 104, it may be a little later, to the effect that in neither of his journals does he mention the Miamis at Chicago.

Objected to on the ground that counsel for defense does not produce the book so as to enable the witness to examine it.

A. I object to answering without having the book before me. I have not got it here.

1117 Referring to Volume 3 of the Charlevoix's History of
New France, as to whether Marquette went to Chicago on his return in 1675, I would say that in the spring of 1675, as appears from the original journals of Father Marquette and of Father Dablon, concerning Father Marquette in the

Jesuit Relations, Volume 59, he was passing through from the Illinois river to Lake Michigan upon his return to the Jesuit Mission at Mackinaw. Father Marquette's own journal, owing to his illness, ceases before the period of his return, but the story is taken up by his superior, Father Dablon. Father Dablon says on page 191 of the volume already cited:

> "After the Illinois, filled with great esteem for the gospel, had taken leave of the father, he continued his journey, and shortly after reached the lake of the Illinois, upon whose waters he had to journey nearly a hundred leagues, by an unknown route, whereon he had
> 1118 never before traveled; for he was obliged to coast along the southern shore of the lake, having come by the northern,"

meaning that he was intending to return by the east side of Lake Michigan, whereas he had come to his station on the Illinois by the west shore. This account by Dablon does not state by which particular portage or route he reached the lake of the Illinois from the Illinois Indians.

Question re-read as follows:

"Q. Did Marquette go to Chicago on his return in 1675?"

Dr. THWAITES (continuing): As to what is my conclusion as to that, I have just given it. I consider my answer a complete answer. I should think it quite natural that he returned by the route by which he came, Chicago. As to whether I have given attention to the views of Shea and Winsor as to which route he returned upon, I would say yes, also to the conclusions of other authors. I know Winsor's opinion and Shea's opinion on the subject. I had forgotten that they
1119 say they think that he returned by the St. Joseph. As to whether I can give you the name of any other author besides myself who disagrees with them on that subject, I should say I would have to investigate the subject in my library before I answered. I do not remember anywhere in my work where I stated that I specifically disagreed with the gentlemen quoted on that point. I have always supposed, and have so stated in my writings on the subject, that Father Marquette and his men returned by the route by which they came, or something very similar to it.

Referring to page 182 of the History of New France, Vol. 3, Shea states:

> "After laying the foundation of a mission he en-
> 1120 deavored to reach Mackinaw by way of the St. Joseph river and the eastern shore of Lake Michigan."

I could not state the fact as to whether it is true that Marquette was the first to give the name "River of the Miamis" to the St. Joseph river. As to whether, if it be true that Marquette returned by this unknown route, not traversed by him before, and it was a route by the St. Joseph and the east shore of Michigan, then if he labored among the Miamis it was the Miamis of the St. Joseph, I would say I do not infer from Father Dablon's remarks that the unknown route referred to the portage route. He specifically states the unknown route, as I read his remarks, is by the east shore of Lake Michigan, upon which Father Marquette had not thus far journeyed.

1121 Q. For the purpose of my question you are to assume the facts the other way. It is a hypothetical question; you are not responsible for the hypothesis, but assuming that his return was by the St. Joseph and by the east shore of Lake Michigan, then if he labored among the Miamis it was the Miamis of St. Joseph and not of Chicago; is that not true?

Objected to as not proper cross-examination.

A. I object entirely to answering a question put in that form, for the journals of both Father Dablon and Father Marquette state that he was laboring among the Illinois Indians.

As to whether Shea states what Indians he was laboring among, in this same volume, that I have referred to, I do not know unless I see the volume. On page 186, note, he says:

> "Father Marquette founded the Illinois Mission at Kaskaskia; not a Miami mission."

Father Marquette's journal says he was laboring among the Illinois Indians. I do not find in Father Marquette's journal any reference to his locating himself among the Miamis, but I do find in Father Charlevoix an allusion to the fact that Father Marquette remained among the Miamis. I am referring to the same excerpt I read in my direct testimony. 1122

Motion to strike out that portion of the answer, "But I do find," etc., as not responsive to the question.

Q. We will now pass to St. Cosme's Journal. In referring to Hutchin's map, and particularly when I called your attention to the Two Lakes you cited in St. Cosme, and his statement that the mission was on the bank of a little lake, I asked you, "If it be true that the word there translated 'lake,' was really 'river,' whether the translation would have any weight," and I understood you to say it would not. I ask you to examine the document which I now hand you and look at the signatures to the certificate upon it.

A. I am not aware that I ever saw the signature be-
1123 fore but I am aware of the name. The signature of A.
E. Gosselin, Archbishop. It is indicated by the heading of the certificate that he is an archivist of the archives of Laval University at Quebec. As to whether I have any knowledge myself as to whether he is or is not such archivist I believe him to be the Archivist of Laval University.

I would not like to say that he was or was not such archivist in 1906, as I do not know. I only know in a general way that he has been archivist. The paper is written in French. It purports to be a portion of a letter from St. Cosme to the Archbishop from the Arkansas on the 2nd day of January, 1699.

Whereupon counsel for the government requested that the objection to these letters as not proper cross-examination might stand without repetition.

As to whether or not it appears from my inspection
1124 of it to be the same letter to which I have referred when
we had the little lake in question.

Dr. Thwaites (continuing): I was reading Mr. Shea's translation. The document which you have laid before me bears evidence of being the French version of what appears in St. Cosme's voyage commencing at page 52. I find in the document before me, which purports to be a copy ot the original of St. Cosme's voyage, but I do not remember to have ever before seen the original of St. Cosme's voyage, that it uses the words "the little river," which Shea or his translator has rendered into the words "a small lake."

Whereupon counsel for the defendant stated that he was prepared to show what these archives are wherein is the original from which this copy is made, and also the position of the person who makes this copy, and asked whether the government would require any other evidence as to the authenticity of the copy.

Whereupon counsel for the government stated that the document was objected to, and counsel for the defendant was requested to establish the authenticity of the document.

Dr. Thwaites (continuing): Referring to Heward's
1125 journal, I stated that it was written on scraps of paper,
now yellow with age, I have not even seen it myself, but
persons whom I have sent to the Burton library in Detroit to

make investigations for the Historical Society, not in regard to this matter but in regard to Wisconsin history, have described the Heward journal to me. Referring to my testimoney that it is written on scraps of paper, that statement was based upon a report made to me by my assistant whom I sent there about a year ago, Miss Kellogg. As to whether she reported that it was written on scraps of paper, I would say in writing to me her report about the condition of affairs in the Burton Library and the condition of certain manuscripts, as I remember it, she incidentally alluded to the Heward journal as being written on scraps of paper. That is my only knowledge.

1126 The territory which I have referred to in the statement in reference to Darby, which occurs on page 944, where I say "the case of a man who journeyed through the territory in question," was, as indicated upon his title page and upon the map accompanying his volume, that he appears to have made a tour by means of the St. Lawrence river and Lake Erie, as far west as the City of Detroit. In the question on page 944 the title of the book is given as being "A tour from the City of New York to Detroit in Michigan Territory." I was asked as to the standing of this author and his work. My answer was that Darby is the case of a man who journeyed through the territory in question, meaning the territory between the City of New York and Detroit.

Q. Now, you state of him that he stands in a class of those people who are much nearer to the event than we are and had greater opportunities for learning about them than we have. What is there in the excerpt from his work to which your attention was called and to which you have testified,—what fact is there of such a nature as that a person nearer in point of time than we are would have greater opportunities for learning about it?

A. On page XXVII of the Addenda he makes some
1127 "General Remarks" at the beginning of which he says:

"The foregoing correspondence and extracts, contains the substance of my own personal observations, and such explanatory matter from others, as I could collect during my tour, and since its termination; I cannot, however, take leave of the reader, without claiming his patience during a recapitulation, and an examination of some extraneous matter, which was not included in my original letters, though of some importance to elucidate the topography of the country over which I ranged."

In the midst of this general material which he claims to have obtained "from others" he gives a description of the Chicago and Illinois rivers that has been quoted in the direct testimony, commencing at page 237.

Q. Referring to physical facts, is he not?

A. I stated that Darby stands in the class of those people who are much nearer to the events than we are; this book was published in the year 1819. He says that he obtained his information from others in addition to his personal observations. I take it that this description that he gives of the Chicago-Desplaines river was obtained by him at that time from others, and as he stood quite near to the events and was out in the western country and doubtless had an opportunity of meeting a great many people who were familiar with the Chicago and Illinois rivers, I give considerable weight to his testimony as to what might be considered the general repu-1128 tation at that time as to the conditions that existed on the Chicago and Illinois rivers.

Motion to strike out the answer as not responsive to or bearing any relation whatever to the question.

Q. As to matters of physical fact, the topography of the country, and the descent of the river, would the fact that he was nearer in point of time give him any better opportunity to pass a judgment than a person living at this time?

A. He visited Detroit, the western country, for the purpose of obtaining information about the western country. Detroit was one of the great seats of the fur trade of the west. We have a right to assume that engaged in the occupation of finding information about the country he must have met people who were familiar with the methods and conditions of the western fur trade and would be able to give him quite specific information relative to the topography of the western country. I therefore infer that Darby stands in the class of people who are very much nearer to the events and the men who were engaged in the early western fur trade than we are, and is a very good witness as to the conditions obtaining at that time and in that region.

Motion to strike out as not responsive to the question.

Q. Darby states that the Plein flows with a very slight current. Would the fact that he was nearer in point of time add anything to his opinion over that of an engineer of the present time?

A. Have not examined opinions of engineers near the present time. Was simply asked by government for my opinion as to the value of this sort of testimony and historical investigation. I so gave it but it was not given with any particular knowledge as to the reports of surveyors in our own time.

Motion to strike out as not responsive.

Q. Do you think that Darby, because he was nearer the event, had greater opportunity for learning the flow of the Plein or the Desplaines than we have?

A. I think Darby is giving in his book, as the result of information obtained from people presumably well informed, concerning the western country, the general reputation which existed among his informers concerning the condition of the Desplaines river.

Motion to strike out answer as not responsive to the question.

Dr. Thwaites (continuing): As to whether as a matter of fact Darby could have been credibly and accurately informed when he states that the Plein flows with a very slight current, I would say that I have never been upon the
1130 Desplaines river; I do not know. I have read La Salle's
and contemporaneous descriptions of the Desplaines. In order to answer the question as to whether I know the river which is the standard for high velocity in Europe, I would have to consult an encyclopedia of Europe to answer a question of that character. As to whether I know that such a river is the Rhone, I would say I have heard of the Rhone and have been down the Rhone. As to whether I recall that La Salle said that the Desplaines had a current greater than that of the Rhone, without referring directly to La Salle's testimony I have in my mind a general impression that La Salle stated that fact, or stated that as a fact.

Q. Now, as a historian endeavoring to arrive at a scientific conclusion, because this man lived nearer the event, to use your language, although I do not know what the event is, would you think you could safely accept his statement that a river flowed with a very slight current if, as a matter of fact, there were conveniently at hand numerous sources from which it could be accurately determined that that was directly contrary to the fact?

Objected to as not proper cross-examination, and because the examination assumes conditions to the contrary of the evidence submitted in this case.

1131 A. By the phrase "nearer to the event" I meant
nearer to the time concerning which you seemed to be making inquiry of me. That is to say, the early part of

the 19th century. As to whether the difference in elevation
between Chicago and Lake Joliet has materially changed
since the time Darby wrote his report, I would say I am
not a geologist or engineer. I do not know what con-
1132 ditions have obtained since the setttlement of this coun-
try. Heward's journal seems to be in the form of a
journal. Various events are specified as having occurred under the dates set forth therein. It reads much like a journal and is so generally alluded to for convenience by historians.

Q. Referring to Hubbard's narrative, you state on page 959, that although he did not use the Desplaines river for trading boats after 1824, he did use it himself. You find but one instance of that use by himself, and that in a canoe, do you not?

A. I find two instances where he used it, in the spring of 1825, on page 140 of Hubbard, in which he says they are going from Chicago toward Peoria with a canoe and a companion. He there says: "We were three days in making the trip to Peoria." And on page 141 he makes the return trip to Chicago. He has bought his goods in St. Louis and says "I bought my goods, delivered them at Chicago, and returned as quickly as possible to my post at Iroquois," meaning near Danville, I believe. He does not say there whether he returned by water or by land, but he is carrying goods and he went down in a canoe and "bought my goods, delivered them at Chicago and returned as quickly as possible to my post at Iroquois." He does not state directly that he used canoes. In 1824 seems to be the last instance of his using the river for bringing merchandise to or from Chicago. In the instance I refer to when he delivered his goods at Chicago, that was in 1825. As to how long John Kinzie lived in Chicago when he wrote the letter I have re-
ferred to on page 965, I should have to refresh my memory
by means of a history of Chicago or a biography of Kin-
1134 zie. He states in a letter in the excerpt I have read
Trans., 965) that he has been resident there for upwards
of twenty years. As to where he was residing when he wrote that letter, I do not know where he was residing, but he wrote the letter from Detroit. As to how long prior to the date of that letter it had been since he resided at Chicago, I could not say without reference to some antiquarian history of Chicago or a biography of Kinzie. As to whether he had been in that region about Chicago for several years before

the writing of this letter, I should be obliged to refresh my memory as I said before. Kinzie came to Chicago somewhere about 1804. I do not exactly remember. I believe it is substantially the fact that he left Chicago at the time of the massacre in August, 1812, and had not returned to Chicago up to the time he wrote that letter.

1135 Q. You have spoken of him as a man undoubtedly acquainted with the conditions and well acquainted with the route by the Chicago and Desplaines rivers, and you have read an excerpt in which he says, referring to Lake Michigan and the Mississippi: "At present boats of several tons burden can pass from Lake Michigan into the Mississippi river, there being only four and a half feet difference in the elevation of the two waters." I take it he is there referring to the Desplaines and the Chicago. That is page 967. Was he accurate in his statement as to there being but four and a half feet difference in the elevation of the two waters?

A. I gather that Mr. Kinzie means the difference between the level of Lake Michigan and Mud Lake. He is writing from Detroit and his thoughts are naturally toward the passage from the lake toward the river Desplaines. His judgment as to the idea of land seems to be confirmed in Graham and Philips, where they say from the river Desplaines trees at Fort Dearborn could be seen, and vice versa, and they state only two feet difference in the river.

Q. Now, will you read the question to the witness?

(Question read.)

Q. I will now ask you to answer the question, was he accurate in his statement?

1136 A. I consider Kinzie to have been a man quite well informed as to the conditions. Whether he was accurate or not in this particular would require a special study of surveys on which I am not competent to pass judgment.

Motion to strike out that part of the answer "I consider Kinzie to have been a man quite well informed as to conditions," as not being responsive to the question.

Dr. Thwaites (continuing): As to why I assume that he means Mud Lake and the Chicago river when he refers to the Desplaines river and not to Mud Lake, I would say he says, and I am reading from the record at page 967, "At present boats of several tons burthen can pass from Lake Michigan into the Mississippi river, there being only four and half feet difference in the elevation of the two waters."

If you were to hold him very close, however, he would mean the difference in the level of the Lake Michigan and the Mississippi. I should infer he meant the level of Mud Lake which was the water way that leads toward the Mississippi river. He does not speak of Mud Lake, but as I read the documents of the times, although I am not a Chicago antiquarian, I infer that the first portage, the one that obtained at almost all seasons of the year, even when there was considerable water, was the one between the South Branch
1137 of the Chicago and Mud Lake; and as vessels very frequently, or canoes placed in Mud Lake very often seemed to be able to slip down into the Desplaines without any difficulty, my inference is that he means the first water at the end of his first portage; that is to say, the water on the other side of the water shed. I am not giving an inference based on nothing in the testimony. I decline to be catechised with reference to the surveying aspect. As to whether as a matter of fact the water shed was not 4½ feet but more than 10 feet, difference in elevation between Chicago and the Desplaines river, I would say that that would altogether depend upon the height of water in Lake Michigan. The beds of streams vary according to the volume of water. The canoe does not float upon the bed; the canoe floats upon the
1138 surface of the water. When he spoke about the difference in elevation being four and a half feet, I should say he was speaking in a general way as the impression remained upon him. As to whether it would be a matter of no importance as to what the elevations were at time of floods as to making a route through here, and a matter of great importance what the levels of the land in which the two streams lay were, I would say the conveniences and inconveniences of a portage route would necessarily be influenced to a very considerable extent by the height of the water shed. And if Mr. Kinzie mentioned the height of the water shed at four and a half feet, where it was actually ten feet, I should say that the difference of six feet in the height of a water shed was rather immaterial in those days when portage routes were filled with inconveniences far
1139 greater as a rule that those that offered themselves on the Chicago-Desplaines. As to whether during the years the stream was used for the fur trade company with which Hubbard was connected, 1816 to 1824, my researches have disclosed any other trade that was conducted by that route other than the fur trade, I would say there was at

the time to which you refer a considerable commerce between Montreal and Mackinaw and the Mississippi river region. The population of St. Louis was still largely French and French Creoles. A part of their supplies were beginning to come down the Ohio river by that time, but the greater part of their supplies were still coming by way of the Great Lakes. Their finery, their fur trade, the goods for the very large Missouri river trade, was still coming from Montreal by way of the Mackinaw, and the various portage routes that connected between Lake Michigan and the southwest, among them the Fox-Wisconsin water route, and the Chicago-Desplaines route. Personal and business communication between Montreal, Detroit, Mackinaw and that region was coming largely to be through those channels. Travelers were 1140 beginning to come into the west. We know in Wisconsin that many of them came during this period by the Fox-Wisconsin.

I think it is fair to assume that some of them came by way of the Chicago-Desplaines. Such men as Chouteau and Sanguinet and others, fur merchants in St. Louis and in the Illinois towns, have their agents about this time in Montreal. It shows to me as a historian of conditions in the west during this period that there was a very considerable commerce back and forth between the Mississippi river towns and towns on the Great Lakes and eastward generally; and that trading boats were going back and forth at all seasons of the year, whenever the portage routes were available.

It must be remembered that the greatest trade, by all means the one great trade, was the fur trade. The prosecution of the fur trade, the hunting of wild animals for their furs, so far as Wisconsin is concerned, up to about the year 1835, was our chief industry. These people had to be supported in the Illinois towns and in St. Louis and elsewhere. To be sure their principal business was the fur trade but doubtless a great deal of other material came through. As to whether I have read my answer largely from prepared notes, I should not have considered myself competent to make 1141 an answer of this kind if I had not prepared it rather carefully. I have substantially said that I did read my answer largely from prepared notes. As to when St. Louis began to get its supplies by way of the Ohio, I mean by beginning to get, its general merchandise supplies. It must have begun to receive some of its supplies quite early in its history.

Q. Will you name to me one historical reference to St. Louis getting any supplies, and now we are excluding these voyages of the fur trade, by way of the Chicago portage, the Desplaines river, and the Illinois river?

A. I have stated that there was a considerable trade between these eastern towns and the settlements upon the Mississippi river. We know that the Fox-Wisconsin was 1142 used considerably in this trade and this intercourse.

I have said it was—that I believed from my general knowledge of conditions, that other routes were also being used, and I arrived at that conclusion from the fact of such journeys as Hubbard's and others, that the Chicago-Desplaines was being used at this period, for the purpose of carrying merchandise.

Motion to strike out answer as not responsive to the question.

Dr. Thwaites (continuing): As to naming one instance recorded, excluding the fur trade, of St. Louis procuring any supplies by way of the Chicago-Desplaines route, I do not have any memoranda before me giving specific reference to the transportation of merchandise toward St. Louis other than the fur trade, over the Chicago-Desplaines route. I simply spoke out of my general knowledge of western history during this period. I should have to require time to investigate the sources again and examine my multitude of notes in my study at home before I could answer a question of that kind. As to whether there is any reference in these notes to the carriage of any merchandise outside of the fur trade, by the Chicago-Desplaines route to St. Louis, 1143 I cannot say that until I have examined them.

Q. You say between the towns on these lakes and the Mississippi; in 1823 there was nothing in Chicago, except a few huts, was there?

A. In 1823 Chicago was a very small affair. As to whether as a matter of fact in 1816 and 1819, during this period when there was fur trade, there was just four houses in Chicago, I would say there was but very few, but I would have to refresh my memory by antiquarian history. As to whether it is true, speaking of the trade of Lake Mich- 1144 igan, that in 1823 Keating writing of Chicago said that it consisted of a few huts, and offering no inducement to the settler as a place of business, for the whole amount of the trade on the lake does not exceed the cargo of five or six schooners, even at the time that the garrison received